

ACCOMMODATIONS UNDER THE AMERICANS WITH DISABILITY ACT (ADA)

POLICY

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 define reasonable accommodation as an academic adjustment, modification to the environment, auxiliary aid, or service that ensures students with a disability who are otherwise qualified have an equal opportunity to participate. Please note that an accommodation is not reasonable when it poses a direct threat to the health or safety of others, lowers academic standards, alters the nature of the program, results in a substantial change in an essential element of the curriculum, and/or fundamentally alters an academic requirement essential to meeting licensing requirements. All students are expected, with or without reasonable accommodation, to meet nursing competencies and performance standards that are required to safely perform the normal roles of the RN.

The College, in compliance with ADA, does not provide attendants, individually prescribed devices, readers for personal use or study, or other devices of a personal nature. The College, also in compliance with ADA, provides tutoring to students with disabilities in the same manner as it provides tutoring to nondisabled students.

Otherwise Qualified Individuals with a Disability

Section 504 of the Rehabilitation Act of 1973 defines an otherwise qualified student with a disability as “a student with a disability who meets the academic and technical standards requisite for admission or participation in the institution's educational program or activity.”

Disability

The ADA Amendments Act of 2008 defines disability as “a physical or mental impairment that substantially limits one or more major life activities. A major life activity includes but is not limited to caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, sitting, reaching, interacting with others, and a major bodily function.” Please note that a diagnosis or impairment by itself is not a disability and is insufficient to qualify an individual as disabled. Therefore, students must disclose their disability and the College, in compliance with ADA, may request documentation in order to establish the disability and the need for accommodation.

Acceptable Documentation from a Health/education Professional

Students are responsible for providing any documentation that the College requests to establish a disability and the need as well as the type of accommodation. Acceptable documentation from a health or education professional must be typed on professional letterhead, provides the name and credentials of the professional, is dated, and is signed by the professional. The person providing the documentation is a health or education professional who is qualified to provide the following documentation: a) a clear, specific statement of the diagnosis/impairment and the degree of functional limitation to one or more major life activities; b) description of any behavioral, cognitive, medical, or other features accompanying the disability that may relate to the requested accommodation; c) medical side effects that may warrant requested accommodations; d) recommendations for accommodation; and e) rationale for recommended accommodations. Documentation needs to be recent within three years of the disclosure to the College because the effects of a diagnosis or impairment can change over time, resulting in changes in accommodation or the individual is no longer eligible for accommodation under ADA.

PROCEDURE TO REQUEST REASONABLE ACCOMMODATION

A student requesting reasonable accommodation must:

1. Self-identify the disability to his/her advisor who notifies the College's Section 504/ADA Coordinator.
2. Meet with the College's Section 504/ADA Coordinator who reviews ADA eligibility, rights, and responsibilities.
3. Request reasonable accommodation from the Academic Committee.
4. Provide the Academic Committee with documentation that establishes the disability and supports the need for accommodation.

Documentation is used by the Academic Committee to design a plan that (1) provides an equal opportunity to meet the standards of the nursing program; (2) is based on the types of reasonable accommodation as identified by the health/education professional; (3) accommodates only those areas impacted by the disability; and (4) identifies the exams and testing modalities that are exempt from reasonable accommodation because they are designed to measure a particular skill and/or essential function associated with the normal roles of a professional registered nurse. The plan is shared with the student, the academic advisor, and the College's Section 504/ADA Coordinator. With the student's permission, the plan is shared with individual course instructors.

The Section 504/ADA Coordinator meets with the student once a semester to review ADA and re-evaluate eligibility.

Section 504/ADA Coordinator

The Section 504/ADA Coordinator is Sarah Mueller who can be reached at smueller@brcn.edu or extension 6997.

Grievance

The College is committed to the resolution of concerns and issues regarding the civil rights of individuals with a disability. Therefore, the College has the following processes for resolving these concerns and issues.

Informal Process

The student contacts the Section 504/ADA Coordinator who will help the student informally resolve the concern or issue. For students who are dissatisfied with the resolution or want a formal process to resolve, they follow the formal process.

Formal Process

1. The student files the complaint in writing to the Section 504/ADA Coordinator, providing his/her name, address, and description of the alleged violation. Specific facts must be used to describe the allegation and the complaint is filed within 30 working days of the alleged violation.
2. The Section 504/ADA Coordinator conducts an investigation, affording all interested persons with the opportunity to submit evidence relevant to the complaint. After the investigation, the Section 504/ADA Coordinator submits a written response to the student within 20 working days of receiving the complaint, describing the validity of the complaint and a description of the resolution if needed.
3. The student may request reconsideration of the case if dissatisfied with the resolution. The request must be made within 10 working days to the Section 504/ADA Coordinator who forwards the request to the President/CEO of the College.
4. A final decision is made within 20 working days of the President/CEO receiving the request to reconsider the original resolution.

OCR COMPLAINT

Students with a disability have the right to file a complaint directly with the U.S. Department of Education; Office for Civil Rights (OCR), Region V (Chicago area). Information regarding applicable timelines and procedures is available from OCR.