

**CENTER FOR TEACHING AND LEARNING**  
**DIVISION OF ACADEMIC RESOURCES**  
**DISABILITY SERVICES POLICIES**

*The following policies were new or revised in 2011, please contact the Center for Teaching and Learning regarding all Disability Services policies and procedures.*

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## **I. ADA APPEALS AND GRIEVANCES POLICY**

Endicott has established an internal grievance providing for the prompt and equitable resolution of complaints alleging any action prohibited by the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, the ADA of 1990, and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA). Individuals who believe they have been discriminated against on the basis of disability by Endicott may file complaints pursuant to the following procedures.

1. Complaints should be addressed to: Disabilities Coordinator, Center for Teaching and Learning at Endicott, who has been designated to coordinate the ADA compliance efforts.
2. The Disability Coordinator shall maintain the files and records of the Endicott relating to student disability complaints filed.
3. A complaint should be filed in writing and shall contain the contact information of the person filing, and briefly describe the nature of the complaint and the alleged violation of the regulations.
4. A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged violation. Complaints received later than thirty (30) days after complainant became aware of the alleged violation will be dismissed as untimely.
5. An investigation, as may be appropriate, will follow the filing of a complaint. The investigation shall be conducted by Disabilities Coordinator. These rules contemplate a prompt and informal, but thorough, investigation which affords the complainant, the subject of the complaint, other interested persons, and their representatives, if any, an opportunity to submit documents and information relevant to the consideration of and resolution of the complaint.
6. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the Disabilities Coordinator and a copy forwarded to the complainant no later than fifteen (15) working days after receipt of the complaint.
7. The complainant or the affected department or business unit can request reconsideration of the resolution if he or she is dissatisfied with the resolution. Requests for reconsideration should be made within seven (7) days of receipt of the resolution involving students to the Vice President of Undergraduate Education, Vice President of Graduate Education, and/or Vice President of Student Affairs as appropriate. For all complaints involving faculty and staff members, requests for reconsideration should be made within seven (7) days to receipt of the resolution to the Director of Human Resources. The senior officer has thirty (30) days to respond to the request for reconsideration. Decisions of the senior officer are final.

## **II. DISABILITY DOCUMENTATION POLICY**

Endicott students requesting accommodation will need to provide appropriate documentation. Information on how the disabling condition currently impacts the individual provides useful information for both establishing a disability and identifying possible accommodations. A combination of the results of formal evaluation procedures, a clinical narrative, and the individuals self-report is the most comprehensive approach to fully documenting the impact. The documentation must be thorough enough to demonstrate whether and how a major life activity is substantially limited by providing a clear sense of the severity, frequency, and pervasiveness of the condition. Submitting information and documentation that is less than comprehensive is not in a student's best interest because doing so may cause unnecessary delays in decision-making related to the assessment of the disability and the provision of accommodations. In general, medical documentation must be provided by a physician or other appropriate professional. The documentation must:

1. Contain a clear statement of the specific disability/impairment which is a physical or mental impairment that substantially limits one or more major life activities or
  - a. a record of such impairment, or
  - b. evidence that they are regarded as having such impairment
2. Contain a summary of present symptoms;
3. Specify the particular medical diagnosis, including when the diagnosis was made and the likely duration of the condition;
4. Include ICD-10 diagnosis codes and/or the DSM-IV-TR diagnosis codes as applicable;
5. Describe in detail the student's functional limitations created by the diagnosis;
6. Establish the nature and extent of each impairment,
7. Assess each impairment's impact in the residential and/or academic environment,
8. Recommendations as to the type of accommodation(s) the student requires, by virtue of the specific functional limitations of the disability, in order to have equal access to educational opportunities. Evaluators are encouraged to include appropriate medical reports, relevant medical history, test scores, where relevant, and any other medical or educational records or data that would be useful in determining and providing appropriate accommodations and services; and
9. List the credentials of the evaluator(s).

### **III. MOBILITY DEVICES POLICY**

Endicott permits individuals with mobility disabilities to use manual wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use.

Endicott also permits individuals with mobility disabilities to use power wheelchairs and scooters in any areas open to pedestrian use. However, due to the topography of the campus, narrow pathways, and safety of the community, other non traditional forms of power mobility requested for medical reasons will be determined on a case by case basis. The Center for Teaching and Learning shall consider the following:

1. The type, size, weight, dimensions, and speed of the device;
2. Endicott's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
3. Endicott's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);
4. Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility; and
5. Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations.

### **IV. POLICY FOR PROVIDING ACCESS TO ALL ONLINE COURSE MATERIALS AND MEDIA WITH AN AUDIO COMPONENT FOR STUDENTS WHO ARE DEAF AND HARD-OF-HEARING**

Endicott College complies with the mandates of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1990 Title II, and the ADA Amendments Act of 2008 (ADAAA), which prohibit discrimination against individuals with disabilities. Endicott seeks to provide a supportive environment for students, faculty, and staff and is committed to providing equal access to educational programs and services to otherwise qualified individuals with a disability.

To provide Endicott's deaf and hard-of-hearing student population with reasonable accommodations, all online course materials and media with an audio component presented by the faculty, student, or guest speaker must be either captioned or transcribed before they are assigned (usually before the start of classes) to provide reasonable accommodation for deaf and hard-of-hearing students. When developing or revising courses, faculty should incorporate accessible materials, (e.g. transcriptions, captions etc.) Synchronous audio communication technologies must not be used in a course that enrolls deaf and hard-of-hearing students because currently the technology does not exist to allow reasonable accommodations to be made. For example, online learning telephone conferencing systems cannot be used even when student participation is not required. Additionally, internet live audio systems (e.g. Second Life and Adobe Connect) cannot be used in courses with deaf or hard-of-hearing students. However, if these systems include a text based chat component, this may be used, for it does provide equal access for all students.

**V. POLICY FOR STUDENTS WITH DISABILITIES THAT POSE A DIRECT THREAT ON CLINICAL EXPERIENCE, INTERNSHIP, OR STUDENT TEACHING PLACEMENTS**

Endicott's student teaching, clinical education experiences, and internships programs, ensures that its students' safety requirements are based upon actual risks, not on mere speculation, stereotypes or generalizations about individuals with disabilities.

However, if a student on a clinical experience, internship, or student teaching placement poses a direct threat to the health or safety of others, Endicott will make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk. Potential resolutions could include termination of the site experience.

**VI. POLICY FOR STUDENTS WITH TEMPORARY DISABILITIES**

Temporary disabilities may include, but are not limited to, injured limbs, surgeries, concussions, and short-term illnesses. These disabilities may require accommodations for several weeks or a full semester.

The Center for Teaching and Learning offers a wide variety of legally mandated services to students with temporary documented disabilities. Services are extended to students with temporary disabilities only for the duration of their functional limitations associated with their disability. The eligibility process is the same as for permanent disability cases. After reviewing the medical documentation submitted, the Disabilities Coordinator will determine appropriate academic services and accommodations depending how limited the student is within the academic setting.

**VII. POLICY REGARDING SERVICES FOR STUDENTS WHO ARE DEAF AND HARD OF HEARING**

The Center for Teaching and Learning provides students who are deaf and hard of Hearing with ASL Interpreters, C.A.R.T. Services and/or Remote Captioning Services, as applicable for both academic and non-academic purposes.

***Academic purposes include (but are not limited to):***

- Classroom lectures
- Course related discussions
- Academic based internships, clinical education, and student teaching
- Service learning experiences
- Study abroad

***Non-Academic purposes may include (but are not limited to):***

- Student activities & programming
- Sports and athletic involvement
- Special events on the Endicott campus by request

***Please Note:*** It is of the utmost importance that students inform the Center for Teaching and Learning of any request for services at the first available opportunity. There are limited numbers of service providers available and a high demand for this service throughout the Commonwealth of Massachusetts. Requests placed with minimal notice may result in either no or only partial services being available.

**VIII. . PROVISIONAL SERVICES FOR STUDENTS WITH DISABILITIES POLICY**

The Center for Teaching and Learning can provide accommodations based on a student's outdated documentation, history and other information on a temporary basis for the current semester. Accommodations will be allowed for the succeeding semester **only** upon receipt of current written documentation or information.

**IX. READER SERVICE POLICY**

Reader services will be provided for students with reading, visual, visual processing, or other disabilities, when deemed a reasonable accommodation. When appropriate, students will be provided with readers for exams, when requested in a timely manner.

**X. SCRIBE SERVICES POLICY**

Scribe services will be provided for students with fine motor limitations or other disabilities, when deemed a reasonable accommodation. When appropriate, students will be provided with scribes for exams, when requested in a timely manner.

**XI. SERVICE ANIMAL POLICY**

With respect to a request for a service animal by a student, staff, or visitor, Endicott will determine, on a case by case basis, and in accordance with applicable laws and regulations, whether such animal is a reasonable accommodation on campus. In doing so, Endicott must balance the needs of the individual with the impact of animals on other campus patrons. Where it is not readily apparent that an animal is a service animal as defined by the ADA, Endicott may require sufficient information and documentation to determine whether the animal qualifies as a service animal under the applicable law. Consistent with federal and state law, a service animal may be prohibited from an Endicott facility or program if the animal's behavior or presence poses a direct threat to the health or safety of others. It may be excluded from areas where its presence fundamentally alters the nature of a program or activity, if the animal is disruptive, if its presence would result in substantial physical damage to the

property of others, or if it substantially interferes with the reasonable enjoyment of the housing or public area by others.

Specifically, Endicott needs to determine:

1. That the student has a disability for which the animal is needed;
2. How the animal assists the student, including whether the animal has undergone any training;
3. The nexus between the student's disability and the assistance that the animal provides.

If a student desires that a service animal live in campus housing, the student must notify the Disability Coordinator at least ninety (90) days prior to the desired move-in date so that Endicott can best accommodate the student and the animal. If all other criteria are met, as set forth by the Disability Coordinator, a meeting will be arranged between the student and the Office of Residential Life to discuss how to best accommodate the student, the service animal, and the campus community.

## **XII. TICKETING POLICIES**

Endicott ensures that all ticketed events at the college have "accessible seating" {which refers to wheelchair seating with companion seats that comply with sections 221 and 802 of the 2010 Standards along with any other seats required to be offered for sale to the individual with a disability}. Seating maps for all venues are accessible online at [www.endicott.edu](http://www.endicott.edu) and at the ticket sales office for all venues.

***Ticket sales.*** Endicott sells tickets for a single event or series of events and ensures that individuals with disabilities have an equal opportunity to purchase tickets for accessible seating including:

1. Ticket sale hours shall be accessible to all interested parties.
2. All stages of ticket sales, including, but not limited to, pre-sales, promotions, lotteries, wait-lists, and general sales shall be accessible to all interested parties
3. All ticket sale methods of distribution shall be accessible to all interested parties
4. All ticket types and numbers of ticketing sales outlets, including telephone service, in-person ticket sales at the facility, or third-party ticketing services, as other patrons shall be accessible to all interested parties

***Identification of available accessible seating.*** Endicott upon inquiry for a single event or series of events will:

1. Inform individuals with disabilities, their companions, and third parties purchasing tickets for accessible seating on behalf of individuals with disabilities of the locations of all unsold or otherwise available accessible seating for any ticketed event or events at the facility;
2. Identify and describe the features of available accessible seating in enough detail to reasonably permit an individual with a disability to assess independently whether a given accessible seating location meets his or her accessibility needs; and
3. Provide materials, such as seating maps, plans, brochures, pricing charts, or other information, that identify accessible seating and information relevant thereto with the same text or visual representations as other seats, if such materials are provided to the general public.

***Ticket prices.*** The price of tickets for accessible seating for a single event or series of events will not be set higher than the price for other tickets in the same seating section for the same event or series of events. Tickets for accessible seating will be made available at all price levels for every event or

series of events. If tickets for accessible seating at a particular price level are not available because of inaccessible features, then the percentage of tickets for accessible seating that should have been available at that price level (determined by the ratio of the total number of tickets at that price level to the total number of tickets in the assembly area) shall be offered for purchase, at that price level, in a nearby or similar accessible location.

***Purchasing multiple tickets.***

(1) *General.* For each ticket for a wheelchair space purchased by an individual with a disability or a third-party purchasing such a ticket at his or her request, Endicott shall make available for purchase three additional tickets for seats in the same row that are contiguous with the wheelchair space, provided that at the time of purchase there are three such seats available. Endicott is not required to provide more than three contiguous seats for each wheelchair space. Such seats may include wheelchair spaces.

(2) *Insufficient additional contiguous seats available.* If patrons are allowed to purchase at least four tickets, and there are fewer than three such additional contiguous seat tickets available for purchase, Endicott shall offer the next highest number of such seat tickets available for purchase and shall make up the difference by offering tickets for sale for seats that are as close as possible to the accessible seats.

(3) *Sales limited to less than four tickets.* If Endicott limits sales of tickets to fewer than four seats per patron, then Endicott is only obligated to offer as many seats to patrons with disabilities, including the ticket for the wheelchair space, as it would offer to patrons without disabilities.

(4) *Maximum number of tickets patrons may purchase exceeds four.* If patrons are allowed to purchase more than four tickets, Endicott shall allow patrons with disabilities to purchase up to the same number of tickets, including the ticket for the wheelchair space.

(5) *Group sales.* If a group includes one or more individuals who need to use accessible seating because of a mobility disability or because their disability requires the use of the accessible features that are provided in accessible seating, the group shall be placed in a seating area with accessible seating so that, if possible, the group can sit together. If it is necessary to divide the group, it should be divided so that the individuals in the group who use wheelchairs are not isolated from their group.

***Hold-and-release of tickets for accessible seating.***

(1) *Tickets for accessible seating may be released for sale in certain limited circumstances.* Endicott may release unsold tickets for accessible seating for sale to individuals without disabilities for their own use for a single event or series of events only under the following circumstances—

- (i) When all non-accessible tickets have been sold;
- (ii) When all non-accessible tickets in a designated seating area have been sold and the tickets for accessible seating are being released in the same designated area; or
- (iii) When all non-accessible tickets in a designated price category have been sold and the tickets for accessible seating are being released within the same designated price category.

(2) *No requirement to release accessible tickets.* Nothing in this paragraph requires a facility to release tickets for accessible seating to individuals without disabilities for their own use.

***Ticket transfer.*** Individuals with disabilities who hold tickets for accessible seating shall be permitted to transfer tickets to third parties under the same terms and conditions and to the same extent as other spectators holding the same type of tickets, whether they are for a single event or series of events.

***Secondary ticket market.***

(1) Endicott ensures that an individual with a disability may use a ticket acquired in the secondary ticket market under the same terms and conditions as other individuals who hold a ticket acquired in the secondary ticket market for the same event or series of events.

(2) If an individual with a disability acquires a ticket or series of tickets to an inaccessible seat through the secondary market, Endicott shall make reasonable modifications to its policies, practices, or procedures to allow the individual to exchange his ticket for one to an accessible seat in a comparable location if accessible seating is vacant at the time the individual presents the ticket to Endicott.

***Prevention of fraud in purchase of tickets for accessible seating.*** Endicott may not require proof of disability, including, for example, a doctor's note, before selling tickets for accessible seating.

(1) *Single-event tickets.* For the sale of single-event tickets, it is permissible to inquire whether the individual purchasing the tickets for accessible seating has a mobility disability or a disability that requires the use of the accessible features that are provided in accessible seating, or is purchasing the tickets for an individual who has a mobility disability or a disability that requires the use of the accessible features that are provided in the accessible seating.

(2) *Series-of-events tickets.* For series-of-events tickets, it is permissible to ask the individual purchasing the tickets for accessible seating to attest in writing that the accessible seating is for a person who has a mobility disability or a disability that requires the use of the accessible features that are provided in the accessible seating.

(3) *Investigation of fraud.* A public entity may investigate the potential misuse of accessible seating where there is good cause to believe that such seating has been purchased fraudulently.