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Institutional Commitment

NDSCS affirms and recognizes its commitment to nondiscrimination on the basis of disability and its intention to comply with all laws prohibiting such discrimination including Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990.

1. In order to assure nondiscrimination on the basis of disability, NDSCS will provide appropriate and reasonable accommodations, as defined by these laws, for students with disabilities.
2. All NDSCS administrators, faculty, staff, and students have a responsibility to adhere to the philosophy of equal access and opportunity, which is the basis for this nondiscrimination commitment.
3. An individual is required to provide relevant, written documentation regarding their disability in order to establish that he/she is a person with a disability and entitled to protection from discrimination under the law.

Student Commitment

NDSCS is committed to providing access to and inclusion in academic and campus programs for students with disabilities by providing reasonable accommodations when appropriate and necessary. To fulfill this commitment, NDSCS has established the following guidelines and expectations:

1. Students are responsible for disclosing their disability to the NDSCS Accessibility Services Office. Even when parents or other advocates are involved in this process it is primarily the student's responsibility to disclose and request reasonable accommodations when needed. A student taking an on-line or distance education course through NDSCS is required to self-disclose his/her disability following the same procedure as if he/she were located on-campus.
2. The Accessibility Services Office is responsible for making decisions regarding provision of reasonable accommodations, in conjunction with other NDSCS personnel, necessary to provide equal access for prospective, newly admitted, or currently enrolled students.
3. Prospective students may request reasonable accommodation (e.g. for testing, campus tours, or freshman orientation) at any time during the application process. Requests may be submitted in person, in writing, by telephone, or by e-mail and must come through the Accessibility Services Office. Because arranging accommodations may take significant amounts of time, notification as early as possible is encouraged.
4. A newly admitted or currently enrolled student whose disability requires reasonable accommodation to ensure access to campus programs and facilities may request accommodation(s) at any time. The request may be submitted in person, in writing, by telephone, or by e-mail and must come through the Accessibility Services Office. Because arranging accommodations may take significant amounts of time, notification as early as possible is encouraged.

5. Once documentation is provided the student will meet with Accessibility Services staff to discuss reasonable accommodations (if requested and/or necessary) to develop and agree on a plan of action to ensure equal access.
 - 5a.) When requesting accommodations the student must contact the Accessibility Services Office during office hours and make arrangements for the accommodation.
 - 5b.) Both the request for the accommodation and the provision of the accommodation must be appropriate and timely. The Accessibility Services Office will address requests for accommodations in a timely manner, but the institution cannot guarantee the availability of appropriate accommodations without ample lead-time to make preparations and/or investigate resources.
 - 5c.) Colleges are NOT required to provide the requested or preferred accommodation. They are required to provide reasonable, appropriate, and effective accommodations for disabilities which have been adequately documented and for which the accommodation has been requested. The question, therefore, can be asked, "Is the accommodation that has been offered reasonable and effective?"
 - 5d.) Both the Accessibility Services Office and the student will take responsibility to work with the instructors on campus to ensure equal access and provision of needed accommodations. Students are responsible for taking notification letters to their instructors, when deemed appropriate, during office hours and making arrangements for accommodations. Occasionally, the Accessibility Services Office will contact instructors regarding a student's need for an accommodation. In such cases, the student remains responsible to follow up by meeting with the instructor.
 - 5e.) The Accessibility Services Office has the responsibility to work in conjunction with administration, faculty, staff, and students to ensure equal access to all campus programs and provision of necessary reasonable accommodations in an appropriate and timely manner.
 - 5f.) NDSCS personnel will be the sole determiners of what accommodations shall be provided within the institution. These determinations will be made by institutional personnel, namely the Accessibility Services Coordinator, in conjunction with other appropriate parties.

Documentation

NDSCS is committed to providing accommodations for individuals with disabilities based on the documentation provided. To fulfill this commitment, NDSCS has established the following guidelines and expectations:

1. To be considered a student with a disability under the law, the individual is responsible for providing documentation that substantiates his/her claim. The two purposes for providing documentation are: 1) to establish eligibility for and need of accommodation and 2) to establish that an individual has a need for protection from discrimination.

2. The student will be asked to provide relevant and current written documentation of a disability for which accommodations are needed. Documentation is usually considered “current” if it is within the past three years but the age of acceptable documentation is dependent upon the disabling condition, the current status of the student, and the student’s request for accommodations. Documentation should be from an appropriate credentialed professional and clearly specify the existence of a disability as defined under the law. To accomplish this, the documentation must demonstrate that the physical or mental disability creates a substantial limitation to a major life activity (e.g. learning, self-care, walking, speaking, working, etc.). It should also define functional limitations and explain the need for reasonable accommodation.

2a.) On occasion, the documentation a student provides may not be sufficient to make a determination regarding disability and/or “appropriate reasonable accommodation.” Under these circumstances, the Accessibility Services Office may require that the student provide additional or more current information. This documentation should be from an appropriate credentialed professional and should clearly specify the existence of a disability, define functional limitations, and explain the need for reasonable accommodation. This documentation must demonstrate that the physical or mental disability creates a substantial limitation to a major life activity (e.g. learning, self-care, walking, speaking, working, etc.).

2b.) NDSCS is not obligated to provide accommodations in the absence of appropriate documentation but will work with the student to obtain any needed documentation in a timely manner.

2c.) Any costs related to NDSCS’s request for documentation will be the responsibility of the student.

2d.) Any written documentation regarding a student’s disability should be sent to the Accessibility Services Office where it will be placed in a secure file for purposes of confidentiality.

2e.) Documentation will be kept on file in the Accessibility Services Office for six years after which time all documents will be shredded, unless the file is still active.

Confidentiality of Documentation

NDSCS is committed to protecting the privacy of students with disabilities in accordance with the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, and the Family Educational Rights and Privacy Act of 1974 (FERPA). This commitment includes the following safeguards:

1. Disability-related information is considered highly confidential and will be shared only when necessary and then only on a limited or “need-to-know” basis. This is being done out of respect for individual privacy and in order to protect students from the potential of future discrimination.

1a.) Disability-related information will be provided to campus staff or faculty, if the information is necessary for them to fulfill their professional responsibilities, with the student’s written authorization.

- 1b.) If sharing the disability-related information could lead to benefit for the student it will be provided with the student's written authorization.
2. The Accessibility Services Office has the responsibility of collecting and maintaining disability-related documentation on students. This information is kept in a secure file in the Accessibility Services Office. Access to this information is limited to Accessibility Services Office staff and the Academic Services Center Director.
 3. Any disability-related information in other campus offices (e.g., Admissions, Financial Aid) is also held in a secure location. Only appropriate staff in each office has access to the information.

Course Substitution

NDSCS will consider whether making a course substitution for a student with a disability would be a reasonable accommodation. An accommodation is not reasonable if it will substantially alter an essential element of the student's program of study. If denied, it is the institution's responsibility to demonstrate BOTH that it would be substantial change AND that the course requested for substitution is essential to the student's curriculum.

1. The first step involved for both the student and the Accessibility Services Office should be the exploration of accommodations that would allow a student to fully participate in the typical program of courses. The whole point of accommodation is to allow students to follow the same path as others whenever possible.
2. If that is not possible the student should take the following steps:
 - 2a.) Students with disabilities should contact their advisor to request a "Class Substitution Form" and bring this form to the Accessibility Services office. The student must have documentation regarding their disability on file that provides evidence of a disability-related need for course substitution and justification for regarding the request as reasonable. Other supporting documentation may be required.
 - 2b.) The Accessibility Services Office will determine whether or not the request for substitution is justified based on the documentation provided by the student. If the request is justified based on the information provided, a letter will be given to the student stating that "*documentation on file in the Accessibility Services Office supports a course substitution in this case*" and this letter, along with the "Class Substitution Form" is returned to the student's faculty advisor.
 - 2c.) Faculty will determine whether making a substitution would be a substantial change in an essential element of the curriculum. If the faculty member agrees with the course substitution, and does not believe the change would substantially alter the student's program of study, they will approve the substitution and sign off on the form.
 - 2d.) The "Class Substitution Form" is then routed to the Department Chair, to the Dean, and to the Registrar's Office. Each individual involved signs off their approval.

2e.) If for some reason a course substitution is not approved the individual may appeal the decision following the Grievance Procedure outlined in the NDSCS catalog.

Reduced Course Load

A student with a disability may request to maintain "full-time status" while carrying less than a full-time course load (12 credits) with supportive documentation. The designation of "full-time status" makes students ELIGIBLE for certain benefits or activities such as on-campus housing or health insurance. By determining that a student is to be considered "full-time" with less than the typical full-time load, the student is being provided access to the same range of benefits and programs available to all students.

In order to be considered full-time with less than 12 credits (minimum of 9 credits), the student must complete the following steps:

1. The student initiates the request by submitting it, in writing, to the Accessibility Services Coordinator. Students should pursue this accommodation at the beginning of the semester.
2. The student must provide documentation of his or her disability that supports the need for a reduced course load. The documentation must include a diagnostic evaluation and be recent enough to evaluate the current impact of the disability. It must also be from an accredited professional.
3. The Accessibility Services Coordinator evaluates the documentation and the request in terms of the impact of the disability and the demands of the student's current or proposed schedule. In some cases, additional documentation may be required before a determination can be made. As with all accommodations, the decision will be made on a case-by-case basis.
4. The Accessibility Services Coordinator will verify a student's eligibility for reduced course load, while maintaining full-time status, in a written summary to appropriate college departments including Student Life, the Registrar's Office, and the Financial Aid Office.
 - 4a). This verification of eligibility will include an evaluation of the documentation supporting such a request.
 - 4b). The potential consequences of the reduced course load on financial aid, graduation, billing, etc., will be explained to the student by the Accessibility Services Coordinator or appropriate department.
 - 4c). Under current regulations this status will NOT provide the student with the disability access to the same full stipend available to non-disabled students for Pell grants. In order to receive the maximum Pell grant a student must be enrolled for 12 hours or more credit hours of coursework. The law allows for students to receive a pro-rated stipend based on the percentage of the 12-hour load they carry. (For example, a student carrying 9 hours would receive a portion of a full stipend).

Therefore a reduction in the number of credit hours may reduce the amount of financial aid received.

5. The appropriate department then reviews the request and makes a final determination.
6. A student who has been declared a full-time student with less than the typical full-time load because of a disability is entitled to the same benefits and privileges of any other full-time student. This may include such things as living in the residence hall, participation in extracurricular activities, and even insurance coverage that is provided for "full-time" students. It would also include those scholarships and financial awards available on the basis of "full-time" status.
7. If the request is denied, the student may appeal the decision by following the Grievance Procedure outlined in the NDSCS catalog.

Priority Registration

Students with disabilities may be granted permission to register early before their regularly assigned registration time, if they meet any one of the following criteria:

1. The student has a disability that requires classes to be relocated if they are scheduled into inaccessible spaces. In this instance, early registration would allow the Registrar the maximum time possible to rearrange class spaces.
2. The student requires pre-arranged support services, such as pre-recorded audio, large print, Braille materials, or sign language interpreters that are necessary for accommodations.
3. The student has a disability that requires their course schedule to be carefully planned with regard to the time of day that they take courses (i.e. a student who needs an hour to rest between classes, or only early morning classes, due to a medical condition, medical treatment, medication side effects, or sustained concentration or a disability that causes fatigue). The need for this type of accommodation must be verified by a physician or medical reports.
4. The student has a disability that imposes geographical constraints due to mobility speed and/or endurance.

Students requesting priority registration due to a disability should communicate the request in writing or verbally to the Accessibility Services Office. Each request will be evaluated on a case-by-case basis by the Accessibility Services Coordinator, who in turn will work with the Enrollment Services Director. Eligibility for priority registration will be periodically reevaluated and prior approval does not constitute automatic entitlement for on-going eligibility.

Priority registration is not to be a blanket accommodation for all disabled students, but must be justified by a professional evaluation of individual needs. Consideration for graduation time limitation, financial need, sponsorship by programs such as Worker's Compensation, Vocational Rehabilitation, Veteran's Benefits, private insurance, etc., are not justification for priority registration.

Grievance Procedures

NDSCS has developed a grievance procedure for students to follow. A grievance exists when an enrolled student is dissatisfied with an aspect of his or her college experience over which he/she has no control and on which remedial action is desired. A grievance may include an apparent violation of equal opportunity laws, regulations or fair grading practices.

If a student feels unfairly treated or has a complaint, the student shall first discuss it with the Department Chair or Director within the area where the unfair treatment occurred. It may be a case of misunderstanding, which can be resolved by thorough discussion. If the complaint cannot be resolved at the departmental level, the student shall follow the NDSCS Grievance procedure outlined in the NDSCS catalog.

-OR-

NDSCS students may file a complaint with the Office of Civil Rights (OCR). The mission of the OCR is to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights. A primary responsibility is resolving complaints of discrimination. Agency-initiated cases, typically called compliance reviews, permit OCR to target resources on compliance problems that appear particularly acute. For additional information about civil rights requirements or for other assistance related to civil rights, contact the OCR enforcement office serving your state or territory.

-OR-

Students may contact the North Dakota Department of Labor.

Equal Access to Technology

NDSCS is committed to providing access to technology and technological-based educational opportunities for persons with disabilities. As higher education is becoming increasingly Internet/Web/computer-dependent NDSCS will strive to ensure students have equal access to the Internet or other computer-based instruction as easily and fully as their peers. The college is committed to becoming compliant with Section 508 of the Rehabilitation Act of 1973, which states that state controlled colleges must make their websites accessible.

1. New technology purchases shall be made with appropriate consideration to access issues. This will be a campus-wide effort.
2. The NDSCS Webmaster will strive to ensure that the institutional website be accessible to people with disabilities.
3. The use of adaptive equipment and assistive devices, along with accessible software, is an accommodation that can be considered based on the student's documentation. The Accessibility Services Office on campus offers students the use of adaptive and assistive devices and accessible software. There is also a mobile accessible computer workstation on campus.

Academic Honesty Policy

Disability office staff will report all incidents of academic dishonesty, such as cheating or plagiarism, to the Academic Services Center Director. The Academic Services Center Director and the faculty/staff member involved will evaluate each situation. The infraction may result in a failing grade on the assignment or in the class. You may also be referred to the Dean of Student Services for disciplinary action.

If Accessibility office staff is supervising testing, the faculty member whose test it is will be notified immediately. That faculty person will decide the appropriate course of action based on his or her departmental policy. Both students seeking unfair advantage by cheating and students supplying information or contributing to the act of academic dishonesty are considered equally guilty and will be held equally responsible.

The use of cell phones, pagers, or headphones will not be allowed during testing in the Accessibility Support Services office. All hats, coats, backpacks, notebooks, and calculators will be maintained in a separate area unless approved for use by the course instructor.

Students are not allowed to leave the testing area or testing room once the exam has begun and is in progress. Students must allow themselves time to finish the test in one sitting and cannot return later to finish a test.

Accessibility Services Guidelines for Requesting Accommodations

Books on Tape or Alternate Format

1. Textbooks in alternate format will only be obtained for those students whose documentation verifies that this is a reasonable and necessary accommodation. Some tapes are not made professionally - textbooks are recorded by workstudy students, community volunteers, and instructors. Some prerecorded books are ordered through Recordings for the Blind & Dyslexic and NDSCS does hold an institutional membership to this organization. In addition, some textbooks are available through the publisher on CD rom (e-text). Students must provide proof of purchase of the textbook.
2. Students must fill out the "Books on Tape Request Form" available in the Accessibility Services Office. This form must be filled out completely and turned back in as soon as possible. It is the student's responsibility to know the name of the textbook, the author, the year and edition, what chapters are needed and the dates they are needed.
3. If necessary, recording of textbooks will begin as soon as a copy of the book can be obtained. Recording of textbooks is a timely process and will require, in most cases, two to three weeks time, sometimes more. Failure to provide all of the necessary information will also delay recording of your textbook.
4. Students are responsible to check in with the Accessibility Services Office on a weekly basis to pick up copies of their tapes or CD's. Calls will not be made to students to remind them to pick up their tapes.

5. All tapes, CD's, and recorders/players must be returned to the Accessibility Services Office at the end of each semester.

Note Takers

1. Note takers will only be provided for those students whose documentation verifies that this is a reasonable and necessary accommodation. Most often, the note taker will be another student in the class. It is unusual for an instructor to provide copies of their notes but students are encouraged to discuss this need with them as they may be willing to do so.
2. Students must fill out the "Note Taker Request Form" available in the Accessibility Services Office. This form must be filled out completely and turned back in as soon as possible. It is the student's responsibility to know the name of the class, time of the class, and the instructor's name. It is also helpful if the student can recommend the names of students that might be interested in taking notes for them.
3. The Accessibility Services Coordinator will notify students when a note taker has been found. Students will be responsible to pick up their notes in the Accessibility Services office at least once per week. Calls will not be made to students to remind them to pick up their notes. Occasionally students needing notes and note takers make other arrangements for obtaining their notes, which is acceptable, as long as the notes are provided.
4. Note **do not** need to be provided for students that have unexcused absences or are regularly late.

Extended Time on Tests

1. Extended time on tests will only be allowed for those students whose documentation verifies that this is a reasonable and necessary accommodation. Students need to request this accommodation through the Accessibility Services Office.
2. The Accessibility Services Coordinator will prepare a letter for the student's instructor(s) stating that extended time is needed on tests. The student will be responsible to present this letter to his or her instructor and discuss the matter privately. It is up to the instructor how much extended time will be granted for testing but the norm is time and a half. In some cases, double time may be approved.
3. The instructor can allow extended time in the classroom or the student can test in the testing room at the ASC. These arrangements are made between the instructor and the student in conjunction with the Accessibility Services Office.

Private/Quiet Room for Testing

1. A private/quiet room for testing will only be allowed for those students whose documentation verifies that this is a reasonable and necessary accommodation. Students need to request this accommodation through the Accessibility Services Office.

2. The Accessibility Services Coordinator will prepare a letter for the student's instructor(s) stating that a private/quiet room is needed for test taking. The student will be responsible to present this letter to his or her instructor and discuss the matter privately.
3. The instructor can arrange for a private/quiet room or the student can test in the Accessibility Services testing room at the ASC. These arrangements are made between the instructor and the student in conjunction with the Accessibility Services Office.

Audio Testing

1. Audio delivery of tests will only be allowed for those students whose documentation verifies that this is a reasonable and necessary accommodation. Students need to request this accommodation through the Accommodations Office.
2. The Accessibility Coordinator will prepare a letter for the student's instructor(s) stating that reading of tests is necessary. The student will be responsible to present this letter to his or her instructor and discuss the matter privately. Arrangements for reading of tests are made by the instructor and the student in conjunction with the Accessibility Office.
3. The test will be formatted for audio delivery over the computer. Due to this delivery method, tests will need to be at the test center for formatting at least 48 hours in advance.

Scribe Services

1. Scribing of tests will only be allowed for those students whose documentation verifies that this is a reasonable and necessary accommodation. Students need to request this accommodation through the Accessibility Services Office.
2. The Accessibility Services Coordinator will prepare a letter for the student's instructor(s) stating that scribing of tests is necessary. The student will be responsible to present this letter to his or her instructor and discuss the matter privately. Arrangements for scribing of tests are made by the instructor and the student in conjunction with the Accessibility Services Office.
3. The instructor can choose to scribe for the student, or the Accessibility Services Coordinator can scribe the test for the student, at the Accessibility Services Office or in a prearranged location. It is the students' responsibility to schedule scribing of tests in advance, whenever possible, with the Accessibility Services Coordinator and their instructor.

Adaptive Equipment/Assistive Technology

1. Assistive technology (AT) is available for those students whose documentation verifies that this is a reasonable and necessary accommodation. Students need to request this accommodation through the Accessibility Services Office.

2. The Accessibility Services office has a variety of AT equipment and software available for student use during regular business hours. Examples of such equipment are Victor Wave readers, Telex Scholars, reading pens, computers, scanners, printers, and magnifiers. Software available to students includes Dragon NaturallySpeaking (voice to text), OPENBook Ruby (scan and read), EasyReader software (plays RFB & D CD's), and many free screen readers.
3. The software listed above is available for use in the Accessibility Services area. Some of the equipment listed above is available to be loaned out to students such as the Victor Waves and Telex Scholars. Students will need to fill out a form indicating they will return the equipment at the end of each semester. A "hold" will be placed on student accounts in the business office when equipment is not returned or it is returned damaged.
4. Students are encouraged to purchase AT equipment and software that they need as this provides students the opportunity to use this type of equipment 24 hours a day, 7 days a week. Job Service and Vocational Rehabilitation are funding agencies that will commonly purchase this type of AT for students.

Sign Language Interpreting

Accessibility Services Responsibilities:

1. Accessibility Services staff will determine if sign language interpreting is an appropriate accommodation for an individual student. If so, sign language interpreters will be scheduled for the classes requested by the student. Accessibility Services will hire only qualified RID certified interpreters. Accessibility Services staff will assist the student in identifying a back-up plan, if interpreting does not occur due to unforeseen circumstances. Accessibility Services staff will consult with faculty about sign language interpreters in the classroom. Accessibility Services staff will hire, orient and evaluate the interpreters.

Interpreter Responsibilities:

1. Interpreters will be prepared to interpret the academic content of the course. If possible, they will arrive at the first class early in order to meet the professor and clarify the interpreter's role. Interpreters will provide interpreting on class days, including field trips, other required class activities and test days. Interpreters will notify Accessibility Services if interpreting services were not necessary or of any change in interpreting assignment if accommodation is not needed. Interpreters will wait 15 minutes after the class starts for the student to arrive. If the student does not arrive, the interpreter may leave. Classroom interpreters will abide by the NAD-RID Code of Professional Conduct.

Student Responsibilities:

1. Students will request sign language interpreting from Accessibility Services in a timely manner, preferably as soon as they know they will be attending NDSCS, even prior to registration. Students will follow the sign language interpreting guidelines as outlined in this document. Students will notify Accessibility Services of any course schedule changes or absences. Interpreting services will

be suspended after three consecutive absences in any class without prior notification. Students will, in conjunction with Accessibility Services staff, discuss how to access the lecture when interpreting is not available. Students will talk with their professor about using an alternate means of communicating when interpreting is not available. Students will report any problems to Accessibility Services immediately, so appropriate steps can be taken to correct the situation. If a student does not follow the sign language interpreting guidelines, interpreting services may be suspended until the student has contacted the Accessibility Services office to clear up any difficulties or misunderstandings.

Faculty Responsibilities:

1. Faculty will work with Accessibility Services to provide interpreting in the class. If asked, faculty will provide the interpreter with a syllabus, handouts, text (if available) and other materials specific to the course. Faculty will maintain a classroom environment which allows the interpreter to function effectively, i.e. interpreter can hear the speaker(s); interpreter is allowed to sit and/or stand in a location visible to the student(s); adequate lighting is provided when showing videos/films. Faculty will ensure that videos are captioned, and films are scripted. Faculty will notify the interpreter of any changes to the syllabus.

Captioning

2. Accessibility Services staff will determine if remote or real-time captioning is an appropriate accommodation for an individual student. If so, captioning will be scheduled for the classes requested by the student. Accessibility Services will hire only qualified providers. Accessibility Services staff will assist the student in identifying a back-up plan, if captioning is unavailable due to unforeseen circumstances. Accessibility Services staff will consult with faculty about captioning (remote or real-time) in the classroom. Accessibility Services staff will hire, orient and evaluate captioning service providers. Captioning providers will wait 15 minutes after the class starts for the student to arrive. If the student does not arrive, they may leave/discontinue service.
3. Students will request captioning services from Accessibility Services in a timely manner, preferably as soon as they know they will be attending NDSCS, even prior to registration. Students will notify Accessibility Services of any course schedule changes or absences. Captioning services will be suspended after three consecutive absences in any class without prior notification. Students will, in conjunction with Accessibility Services staff, discuss how to access the lecture when captioning is not available. Students will talk with their professor about using an alternate means of communicating when captioning is not available. Students will report any problems to Accessibility Services immediately, so appropriate steps can be taken to correct the situation. If a student does not follow the captioning guidelines, services may be suspended until the student has contacted the Accessibility Services office to clear up any difficulties or misunderstandings.
4. If classroom materials need to be captioned, faculty should contact the Accessibility Services office for assistance. When purchasing new classroom materials, faculty should be encouraged to purchase only items that are already

closed captioned for the hearing impaired. UND will caption materials for us for a fee.