



<b>Policy Number and Title:</b>	<b>400.303 Disability Services Policy</b>		
<b>Approval Authority:</b>	Board of Regents	<b>Date Effective:</b>	11/22/2019
<b>Responsible Office:</b>	Academics, Distance Learning and Disability Services	<b>Responsible Office Contact:</b>	Vice President for Academics

**1. POLICY STATEMENT/REASON FOR POLICY**

The Americans with Disabilities Act, as amended, (ADA) and Section 504 of the Rehabilitation Act (Section 504) prohibit discrimination against individuals with disabilities. These laws require the College to provide reasonable accommodations for otherwise qualified students with disabilities. Generally, the term “disability” means that an individual has a mental or physical impairment which substantially limits one or more major life activities. This policy is intended to guide the student disability accommodation process once a request for an academic accommodation has been made.

**2. ENTITIES AFFECTED BY THIS POLICY**

This policy applies to all student requests for accommodations under the ADA and Section 504.

**3. WHO SHOULD READ THIS POLICY**

All BMCC employees and students.

**4. WEB SITE ADDRESS FOR THIS POLICY**

-This policy can be found at:

<http://www.bmcc.edu/about-bmcc/governance-administration/college-policies>

**5. FORMS/INSTRUCTIONS**

BMCC Student With Disability Request For Service.

**6. HISTORY**

-Amended: 11/22/2019

-Next Review Date: 11/22/2022

-BMCC reserves the right to revise policies at any time.

## 7. THE POLICY

### 400.303 DISABILITY SERVICES POLICY

This policy contains the rights and responsibilities under sections 504 and 508 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act (ADA) of 1990 under the jurisdiction of the Office for Civil Rights (OCR). Section 504 and the ADA protect qualified individuals with disabilities from discrimination on the basis of disability in the provision of benefits and services. See the ADA.gov for an explanation of who is a qualified individual with a disability and more detailed information about rights and responsibilities.

BMCC is committed to accommodating persons with disabilities. The college adheres to the standards and guidelines set forth in the Americans with Disabilities Act.

Students with documented disabilities must contact the Disability Services Office to receive assistance and accommodations. In addition, BMCC contracts with Michigan Rehabilitation Services to provide a broader range of services. The campus is also barrier free with accessible entrances, exits and restrooms. Handicap accessible parking is available and clearly identified.

1. Bay Mills Community College will not, on the basis of disability:
  - A. Exclude a person with a disability from a program or activity.
  - B. Categorically deny entry into college programs.
  - C. Deny a person with a disability the benefits of a program or activity.
  - D. Afford a person with a disability an opportunity to participate in or benefit from a benefit or service that is not equal to what is afforded others.
  - E. Provide a benefit or service to a person with a disability that is not as effective as what is provided others.
  - F. Provide different or separate benefits or services to a person with a disability unless necessary to provide benefits or services that are as effective as what is provided others.
  - G. Apply eligibility criteria that tend to screen out persons with disabilities unless necessary for the provision of the service, program or activity.
  - H. Forbid a student with a disability to use an academic adjustment, where required by federal law, including an aid or service, if that prohibition limits the student's participation in a college program, or requires the student to waive his or her right to an academic adjustment, such as an aid or service, in order to participate in a college program.
2. Bay Mills Community College must:
  - A. Engage in an interactive dialogue with the student and other relevant parties when determining reasonable accommodations.
  - B. Respond to student requests in a timely fashion.
  - C. Provide appropriate reasonable accommodations.
  - D. Provide services and programs in the most integrated setting appropriate to the needs of the qualified individual with a disability.
  - E. Ensure that programs, services, activities, and facilities are accessible.
  - F. Measure a student's achievement and not the extent of an individual's disability.

- G. Make reasonable modifications in their policies, practices, and procedures to avoid discrimination on the basis of disability, unless it would result in a fundamental alteration of the program.
- H. Provide auxiliary aids to persons with disabilities, at no additional cost, where necessary to afford an equal opportunity to participate in or benefit from a program or activity.
- I. Provide auxiliary aids and services in an accessible format and in a timely manner.
- J. Have a discussion of services which have or have not been effective in the past.
- K. Analyze the appropriateness of an aid or service in its specific context, e.g., the appropriateness of sign-language interpreters in the context of student teaching or during clinical rotations or internships.
- L. Give primary consideration to the request of the individual with a disability in determining what types of auxiliary aids and services are necessary.
- M. Discuss with the student individual circumstances unique to the college such as course requirements.
- N. Designate a responsible individual to coordinate their efforts to comply with Section 504 and the ADA.
- O. Adopt grievance procedures to handle complaints of disability discrimination in their programs and activities.
- P. Provide notice that indicates.
  - i. BMCC does not discriminate on the basis of disability.
  - ii. How to contact the appropriate individuals at BMCC who coordinates the efforts to comply with the law.
  - iii. Information about the grievance procedures.

### 3. Bay Mills Community College Rights:

- A. The right to establish essential functions, abilities, skills, knowledge and standards for academic performance and conduct.
- B. The right to request and receive appropriate documentation that identifies the existence of a disability and the functional limitations arising from the disability.
- C. The right to determine reasonable accommodations.
- D. The right to deny a request for accommodations, academic adjustments, and/or auxiliary aids and services, if the documentation demonstrates that the request is not warranted, or if appropriate documentation is not provided.
- E. The right to select among equally effective accommodations, adjustments, and/or auxiliary aids and services.
- F. The right to refuse an unreasonable accommodation, adjustment, and/or auxiliary aid or service that imposes a fundamental alteration of a course, program or activity of the college or that imposes an undue burden upon the college.

#### 4. Student Rights and Responsibilities

- A. The right to have accessible courses, programs, services and activities.
- B. The right to request reasonable accommodations.
- C. The right to receive accommodations as approved by Disability Services in a timely and effective manner.
- D. The right to file a grievance.
- E. Students are responsible for meeting qualifications and maintaining essential institutional standards for courses, programs, and activities.
- F. Students are responsible for self-identifying as an individual with a disability when an accommodation is needed and to seek information, counsel, and assistance as necessary and in a timely fashion.
- G. Students are responsible for demonstrating and/or providing documentation (from an appropriate professional) on the manner in which the disability limits participation in courses, programs, services, and activities.
- H. Students are responsible for following college procedures for obtaining reasonable accommodations, academic adjustments, and/or auxiliary aids and services.
- I. Students are responsible for immediately informing their Disability Services counselor of any concerns about classroom accommodations, disparate or disparaging treatment related to disability, or access issues on campus.
- J. Students are responsible for following the below listed procedural steps to register as a Student with a Disability:
  - I. EACH SEMESTER-Complete the Student Disability Request for Services form and submit it to the online or on-campus disabilities coordinator. Students may submit the form by mail, fax, email or by bringing it to the appropriate office as designated on the form.
  - II. Request and submit required documentation by mail, fax, email or by bringing it to the appropriate office as designated on the Student Disability Request form. Documentation usually consists of a medical doctor's letter and/or a psycho-educational evaluation, but may vary by category of disability.
  - III. Once the Student Disability Request for Services form has been completed AND documentation is received or on file, the material will be reviewed and students will then be contacted to discuss accommodations.
  - IV. Inform Disability Services if new or modified accommodations are requested.
  - V. If the application is complete and the student's status as a documented student with a disability has been confirmed, the student will be sent an email with an attached student letter of approved accommodations.
  - VI. Students will then meet with their Instructors to discuss individual accommodations for each class. The student is required to deliver the student letter of approved accommodations from Disability Services to the classroom instructor within the first two weeks of classes, or at least two weeks before accommodations are expected to begin if accommodations are granted or modified once the semester has started.

**VII.** The letter verifies student registration with Disability Services and specifies accommodations eligible to be received. Early notification and active communication with instructors is the best way to ensure that the accommodations are handled smoothly.

**VIII.** Students should not make accommodation requests directly to faculty members; if this occurs, faculty members will refer students to the Student Disability Services Office. Similarly, faculty members or other College employees should not provide accommodations to students that have not been approved by the Student Disability Services Office through this policy. All faculty member and other College employees are expected to implement approved accommodations.

**IX.** Accommodations will not be provided retroactively.

5. Grievance procedures

- A. Bay Mills Community College has both formal and informal mechanisms for resolving concerns related to alleged discrimination on the basis of disability and/or issues with disability-related accommodations.
- B. Informal. Students who have concerns are encouraged to first seek resolution by contacting their assigned Student Support Services Specialist for assistance.
- C. Formal. If a student is not satisfied with the proposed resolution to a problem, students can file a formal grievance. Students who feel they have been treated unfairly, are dissatisfied with proposed accommodations, or who have complaints against a faculty or staff member have the opportunity to address the situation by following the BMCC Dispute Resolution Procedures listed below and in the student handbook.

**BMCC DISPUTE RESOLUTION PROCEDURES<sup>1</sup>**

Students who feel they have been treated unfairly or who have complaints against a faculty or staff member have the opportunity to address the situation by following a two-stage dispute resolution procedure. (For grade appeals, see **ACADEMIC POLICIES**).

**Stage 1- Informal<sup>2</sup> dispute resolution:** Students who feel they have been treated unfairly or who have complaints against a faculty or staff member should first attempt resolution by meeting with the individual most directly involved within four (4) working days of the incident. The purpose of the meeting is to discuss the nature of the complaint and to determine mutually agreed upon solutions. Students may seek assistance from other college faculty and staff in scheduling this meeting, and may also invite a staff member to the meeting for additional support.

---

<sup>1</sup> BMCC Student Handbook.

<sup>2</sup> The “informal resolution” may be waived at the discretion of the responsible BMCC staff member if it is determined that such meeting might result in harm to the student. Appropriate staff may also waive the time period specified for filing the dispute.

Students with complaints about other students should request a college faculty or staff member to facilitate and moderate the meeting.

If a satisfactory resolution is not arrived at during the informal meeting stage, students may continue their appeal outlined in the formal resolution procedures below.

**Stage 2 - Formal dispute resolution:** If a satisfactory resolution cannot be obtained through informal means, students may continue the dispute by filing a formal written complaint within four (4) working days following the informal meeting. Complaints concerning academic grades, courses, programs, and teaching faculty should be submitted to the Vice President for Academics. All other complaints (concerning disciplinary action, student conduct, financial aid or other BMCC policies) should be submitted to the Dean of Student Services. The formal BMCC Complaint Policy can be viewed on the College Policy website.

Students should fill out the forms provided by the Vice President of Academics or the Dean of Services. The written complaint should clearly describe the subject of the dispute, the outcome of the informal meeting, and the issue(s) that are still unresolved.

- The Vice President for Academics or the Dean of Student Services will serve as a chairperson of the Appeals Committee. The Chairperson of the Appeals Committee will select two committee members, establish a hearing date, notify the student of the hearing date, and conduct the hearing. All parties involved in the complaint may be present at the hearing to explain their position. All parties involved should present all necessary supporting documentation at the hearing.
- The Chairperson of the Appeals Committee will notify the student of the findings and recommendations of the committee in writing within (10) ten working days of the hearing.
- If the student is not satisfied with the decision of the Appeals Committee, the Chairperson of the Appeals Committee shall refer the dispute to the BMCC President for a final written decision. The President's final decision may be reached with or without any more hearing(s). The written final decision will be placed in the student's file.

### **BMCC APPEALS COMMITTEE**

The Bay Mills Community College Appeals Committee shall be made up of at least 3 of the following members:

1. Committee Chairperson
  - a. The Vice President of Academic Affairs, (if the grievance involves an academic complaint or grade). **OR**

- b. The Dean of Student Services, (if the grievance involves a disciplinary sanction, misconduct, or a financial aid decision).
2. One full-time faculty member.
3. One Student Council officer.
4. Another administrator not chairing the committee.
5. Furthermore, the appeals procedure must follow the following guidelines:
  - I. A person (or persons) involved in the complaint shall not sit as a member of the BMCC Appeals Committee.
  - II. Persons selected for the Appeals Committee shall not be a close relative of the complainant.
  - III. It is the responsibility of the Committee Chairperson to select and notify the members of the committee and to inform the involved student of the date and time of the hearing.
  - IV. If the Committee Chairperson is unable to preside over a hearing, the BMCC President shall appoint a Committee Chairperson.
  - V. All appeals shall be handled in a confidential manner to protect the privacy of all parties involved.