

UNIVERSITY OF THE PACIFIC

Policy Manual for Students with Disabilities

Office of Services for Students with Disabilities

University of the Pacific
Educational Resource Center
Stockton, CA 95211
(209) 946-2879 Voice/TTY
(209) 946-2278 Fax

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University of the Pacific does not discriminate in the administration of any of its educational and other programs on the basis of race, color, national origin, ancestry, religion, disability, sexual orientation, gender and age except where age is a bona fide occupational requirement. This notice is given pursuant to the requirements of Title IX of the Educational Amendments of 1972, Title VII of the Civil Rights Act of 1964, Section 504 of The Rehabilitation Act of 1973 and amendments and other laws, orders and regulations governing discrimination. University of the Pacific has designated the Director of Human Resources to coordinate the University's policies prohibiting unlawful discrimination and harassment. Any person with a complaint should contact in writing: Director of Human Resources, University of the Pacific, 3601 Pacific Avenue, Stockton, CA 95211.

Introduction

University of the Pacific is committed to achieving equal educational opportunities for qualified persons with disabilities in a manner consistent with University's obligations under law. No qualified person with a disability shall be excluded from participating in any University program, nor be denied benefits of any University program, or otherwise be subject to discrimination on the basis of such a disability.

University of the Pacific is committed to providing access for qualified students, faculty, staff, and visitors to University programs. This non-discrimination policy applies to all qualified applicants or students who seek to or do participate in employment, in access to facilities, student programs, activities and services.

For most accessibility issues on campus the Coordinator of Services for Students with Disabilities is the focal point for 504/Academic issues for students as well as for staff and faculty facilitating student access issues. Students, staff, and faculty can contact the Coordinator of Services for Students with Disabilities or the appropriate action office mentioned above. When appropriate, the Coordinator of Services for Students with Disabilities will follow-up to ensure necessary action is complete and advises the user identifying the issues of the status of the action that was taken with regard to their stated concern. In order to protect the disability confidentiality issues for students in the event that direct contact with the University operational unit office is neither desired nor advisable, the Coordinator of Services for Students with Disabilities is the focal point for 504/academic issues.

In the case of students, any potential denial of stated requests for reasonable accommodation should be discussed with the Coordinator of Services for Students with Disabilities.

Individuals who believe there has occurred unresolved violations of the Core University Policy should refer to the grievance procedure contained on pages 46-49 of this Handbook.

The Office of Services for Students with Disabilities is located in the Educational Resource Center, Bannister Hall, Rooms 100 and 101. During the Fall and Spring semesters, the Educational Resource Center is open Monday through Thursday from 8:30 am – 9:00 pm, and Friday from 8:30 am – 5:00 pm. During the Summer semesters, the center is open from 7:30 am – 4:00 pm Monday through Thursday, and Friday from 7:30 am to 1:00 pm.

Coordinator of Services for Students with Disabilities: 209-946-2879

Test Proctoring Services: 209-946-2458

Transportation and Mobility Assistance: 209-946-3221

**PLEASE REPORT ANY PHYSICAL OR PROGRAM ACCESSIBILITY PROBLEM
TO THE OFFICE SERVICES FOR STUDENTS WITH DISABILITIES**

The policies contained in this manual serve as the guidelines under which the Office of Services for Students with Disabilities (SSD) delivers services to students with disabilities on the campus of the University of the Pacific. This policy manual is designed to assist students and for faculty and staff who are working with those students, by providing consistent procedures for providing services to students with disabilities. University of the Pacific reserves the right to change, modify or delete provisions of this Handbook without prior notice and these policies are subject to interpretations and applications by the Provost or designee and/or Vice President for Student Life or designee. As changes or updates occur, however, SSD will make every effort to update this manual and provide alternative formats in a timely manner.

Alternative Formats

A desk copy of this manual can be made available in alternate formats including enlarged print, 3.5" computer disk, and CD-ROM in both Microsoft Word and WordPerfect. The desk copy is available at the Educational Resource Center, Bannister Hall, in Room 100. Students, faculty and staff wishing to read the manual at another location on campus may borrow the manual by leaving a valid student or faculty/staff ID card with the SSD staff. A copy of a specific policy or procedure is available, if requested, in photocopy or in an alternative format.

The Policy Manual is also available on the World Wide Web and will be periodically updated at <http://www.pacific.edu/education/ssd>

Core University Policy on Students with Disabilities

General Policy: The University does not discriminate against students and applicants on the basis of disability, in the administration of its educational and other programs. The University will reasonably accommodate qualified students (including applicants) with disabilities as defined by applicable law, if the individual is otherwise qualified to meet the fundamental requirements and aspects of the program of the University, without undue hardship to the University. Harassment on the basis of disability issues is prohibited by the University's policies. This Core Policy will be contained within Tiger Lore, the handbook for University students and is subject to interpretation by the Provost and/or the Vice President for Student Life in a manner consistent with the policies therein.

Specific Policies: If the student is otherwise qualified, in response to a request for accommodation the University will offer to make an accommodation, if the accommodation is reasonable, effective and will not alter a fundamental aspect of the University's program nor will otherwise impose an undue hardship on the University, and/or there are not equivalent alternatives. If appropriate, the University may choose to consult with such individuals, internal or external to the University, to provide further assistance needed to evaluate the request for accommodation.

For purposes of reasonable accommodation, a disabled student or applicant is a person who: (a) has a physical or mental impairment which limits one or more major life activities (such as walking, seeing, speaking, learning, or working); or (b) has a record with the University by which the University has officially recognized such impairment. To be eligible to continue at the University, the student or applicant must meet the qualifications and requirements expected generally of its students, and must also be able

to perform the requirements of the individual major or program in which s/he is enrolled or

A qualified student or applicant is an individual with a disability as defined by this policy and applicable law who meets the academic and technical standards requisite to admission and participation in the educational program or activity. Accommodations are such modifications to the course, program or educational requirements as are necessary and effective for the individual, if reasonable to provide at the University and do not nature fundamental aspects. Accommodations do not include exemption from academic evaluation standards or from the code of student conduct.

Note: In the event that a request for reasonable accommodation is denied, the University may occasionally choose to afford the student some temporary measure or flexibility, which is not based on the asserted disability issue, but which otherwise is considered appropriate, if it does not alter a fundamental element of the program and is not viewed by the University as inequitable toward other students. In such few cases, such temporary measure or flexibility will not be a precedent, nor will be a reasonable accommodation, and the student thereby will not be regarded as an individual with a disability.

General Procedure for Seeking Accommodations: A student or applicant who requires an accommodation aid or assistance (“accommodations”), whether for academic or other uses, and who believe s/he is qualified under the University’s policy, should contact the Office of Service for Students with Disabilities, which serves as coordinator of disability accommodations and services (SSD). Individuals who may apply to become a student are also encouraged to contact this office to request general information. Visitors to the campus who request disabled access information should telephone 946-2879.

Process to Request Accommodation: A student or applicant who seeks an accommodation should first contact the SSD. Request forms will be provided. Students are requested to initiate all such requests with the SSD. Faculty and staff members who receive student-initiated inquiries or requests regarding accommodations should promptly refer those students to the SSD. Accommodation determinations should not be made without consultation and approval of the Coordinator.

Students who seek academic accommodations are expected to contact the SSD well in advance of the commencement of the course(s), and to provide the requested supporting information at least two weeks before classes begin.

Determination of Accommodation Requests and Right to Obtain Further Review: Provided that all requested forms and information are furnished by the student in a timely fashion, the SSD will orally or in writing respond to the request for accommodation and will do so in a manner consistent with the University’s policy. If the student agrees with

the response, the faculty and staff members who will be involved in providing or facilitating the accommodation will be informed of the accommodation, but the SSD will not provide medical or health-related information, unless such information is appropriate in order to allow them to assist in implementing the accommodation.

Responsibility of Student: Each student bears the responsibility for initiating and then documenting a disability-related request for accommodation in the manner requested in this Policy. The University's available forms should be used and the student will provide to the SSD the documentation to support the request. Documentation from the appropriate health professional should reflect the nature of and present level of disability, how the disability affects the student's needs in a collegiate setting, and how the requested accommodation will resolve the needs. The Coordinator has discretion to determine what type of professional documentation is necessary, and this may vary depending on the nature of the disability and/or accommodation.

An Overview of Disability Services

In 2001, the University combined the services of the Learning Disability Support Program and Disabled Student Services in an effort to provide more comprehensive service delivery and to ensure continued compliance with the Americans with Disabilities Act (ADA) of 1990 and the Rehabilitation Act of 1973. SSD currently serves approximately 150 students with disabilities. SSD is available as a resource and works to create an accessible and accommodating learning environment at Pacific. SSD subscribes to a formula for success that is based on inclusion and equal opportunity through cooperation.

Mission Statement

The Office of Services for Students with Disabilities in the Educational Resource Center, which reports to the Benerd School of Education, has been designated by the University to ensure students with disabilities equal access to all academic and University programs in a manner provided by the Core University Policy. This goal is met through the evaluation of requests for provision of academic accommodations, support services, self-advocacy skill training, and disability-related educational programming for the University community.

GOAL 1: 1. To deliver effective academically related services to students, SERVICE DELIVERY which support their scholarly pursuits.

GOAL 2: 2. To advocate in an appropriate manner for the needs and interests APPROPRIATE of students as provided in the Core University Policy, to orient ADVOCACY faculty and staff to the obligations and rights of students and of those who teach and provide services, provide useful explanation

to students when requests should not be granted under University policy, as well as to enrich and educate the campus community.

GOAL 3: 3. To promote and foster an accepting, accessible campus ACCESSIBILITY environment in all the programs and service the University offers.

GOAL 4: 4. To empower students with disabilities to advocate on their own EMPOWERMENT behalf and to enrich students with the skills to be productive citizens.

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Documentation

Students with disabilities who will be requesting reasonable accommodations should contact the Coordinator for the Office of Services for Students with Disabilities to begin the process of establishing eligibility for services prior to the start of the semester.

In order to fully evaluate requests for accommodations or auxiliary aids, University of the Pacific (Pacific) will need documentation of the disability *consisting* of an evaluation by *the* appropriate professional that identifies the qualified disability in a manner warranted by law and describes the current impact of the disability as it relates to the accommodation(s) requested.

The application (or intake) process includes a review of the documentation, as well as a review of the service in question. The evaluation process may generate a list of potentially reasonable accommodations that will then be reviewed based on potential effectiveness, preferences of the requester and of the academic or administrative office involved, maximum level of integration, and the potential for an undue financial or administrative burden on the institution.

Eligibility:

Disability Services are available to all currently enrolled students who believe they have a documented disability as defined in the Core University Policy. Individuals eligible for services include, but are not limited to the following types of disabilities:

ADD/ADHD
Hearing Impairment
 ○ Partial Hearing Loss or Deafness
Mobility Impairment
Psychological/Psychiatric disorders
Specific Learning Disability
Speech Impairment
Visual Impairment
 ○ Partial Vision Loss or Blindness

Qualified Person with a Disability means:

1. A person who has a physical or mental condition, which limits one or more major life activity or has a record of such a condition with the University. A record of such with a public secondary school or of a condition in the past, without current documentation of an existing disability, ordinarily will not meet the definition. Major life activities means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and experiencing leisure. A “limitation” exists when one is unable to perform a major life activity that the average person can perform OR is significantly restricted as to the condition, manner or duration under which one can perform a particular major life activity as compared to the average person, who also is:
2. An individual who meets the academic or technical standards for admission or participation in the education program or activity, with or without the delivery of reasonable accommodations.

The guidelines below were developed to assist a student in working with his/her treating professional(s) to prepare the information needed to evaluate the student’s request. If, after reading these guidelines, the student has any questions, please contact the Coordinator for the Office of Services for Students with Disabilities.

- Documentation of the disability is required for all non-visible disabilities and for many visible disabilities (i.e., medical or psycho-educational testing results, specific recommendations for academic accommodations). The level of accommodation provided will be based on the accuracy, breadth, and recency of the documentation, what is effective in the University’s judgment and the University may offer accommodations that are different from those requested to the extent they would be effective.

General Guidelines for Documentation

In determining eligibility for accommodations under Section 504 of the Rehabilitation Act of 1973 and the American's With Disabilities Act (ADA) the student must demonstrate that a qualified professional has currently or in the recent past established a formal diagnosis of a disability, one which is currently applicable. However, the diagnosis alone is not enough to establish eligibility for accommodations under the ADA. There must also be evidence of a "limitation" in a major life activity, such as walking, seeing, hearing, breathing, etc. These guidelines are provided to help the evaluating professional document his/her findings in a manner that meets requirements of the ADA and supports the request for accommodations.

It is the responsibility of the student to obtain his/her documentation and to present a copy to the Coordinator for the Office of Services for Students with Disabilities.

Any correspondence regarding adequacy of the documentation will be sent to the student. It is the student's responsibility to obtain additional information or testing when requested. The final determination of appropriate accommodations rests with the Coordinator for the Office of Services for Students with Disabilities based on a review of the provided documentation as outlined below. A prior history of accommodations, without demonstration of current need, does not in and of itself warrant the provision of a like accommodation. If no prior accommodation has been provided, the evaluator must include an explanation about why no accommodations were used in the past, and why accommodations are needed now. All information obtained in diagnostic and medical reports will be maintained and used in accordance with applicable confidentiality requirements. It should be noted that delivery of services in public K-12 schools is based on standards different from private higher education institutions, particularly in that unlike private colleges and universities, such K-12 schools have a separate duty to provide an individualized educational program for disabled students.

GENERAL INFORMATION

As appropriate to the disability, the documentation should include the following six elements:

1. A diagnostic statement that is not more than three-years old identifying the disability, date of the most current diagnostic evaluation, and the date of the original diagnosis. The diagnostic systems used by the Department of Education, The State Department of Rehabilitative Services or other State agencies and/or the current edition of either the Diagnostic and Statistical Manual of The American Psychiatric Association (DSM-IV) or the International Statistical Classification of Diseases and Related Health Problems of the World Health Organization (ICD) are the recommended diagnostic taxonomies.

Initial qualifying documentation at the University level should generally be within the past year and thereafter, documentation should be no more than three years old.

Documentation older than three years may be partially useful in certain situations if in the University's judgment it is still relevant to the individual's situation and otherwise meets the guidelines outlined herein. Examples of such situations include transfer students who have been continuously enrolled in college and have a history of receiving services and accommodations in a similar setting, and non-traditional aged University students whose documentation accurately describes their current ability to function academically.

A new assessment may be necessary to determine the current need for accommodations if the existing documentation is outdated, inadequate in scope or content, or if the student's observed performance indicates that significant changes may have occurred since the previous assessment was conducted.

2. A description of the diagnostic tests, methods, and/or criteria used. This description should include the specific results of the diagnostic procedures, diagnostic tests utilized, and when administered. When available, both summary and specific test scores should be reported as standard scores and the norming population identified. When standard scores are not available, the mean, standard deviation, and the standard error of measurement are requested as appropriate to the construction of the test.
3. A description of the current substantial functional impact of the disability on a major life activity. This section should include specific test results and the examiner's narrative interpretation. The current substantial functional impact on physical, perceptual, cognitive, and behavioral abilities should be described either explicitly or through the provision of specific results from the diagnostic procedures. Recency will be evaluated based on the typical progression of the disability, its interaction with development across the life span, the presence or absence of significant events (since the date of the evaluation) that would impact functioning, and the applicability of the information to the current context of the request for accommodations.
4. Treatments, medications, and/or assistive devices/services currently prescribed or in use. Include a description of treatments, medication, assistive devices, accommodations and/or assistive services in current use and their estimated effectiveness in reducing the impact of the disability. Significant side effects that may impact physical, perceptual, behavioral or cognitive performance should also be noted.
5. A description of the expected progression or stability of the impact of the disability over time, particularly the next five years. This description should provide an estimate of the change in the functional limitations of the disability over time and/or recommendations concerning the predictable needs for reevaluation.
6. The credentials of the diagnosing professionals if not clear from the letterhead or other forms. Information describing the certification, licensure, and/or the professional training of individuals conducting the evaluation should be provided.

Based on the context of the diagnostic evaluation adhering to the six elements, the certified professional should identify necessary accommodations, adaptive devices, assistive services, compensatory strategies, and/or collateral support services.

Recommendations from professionals with a history of working with the individual provide valuable information for the review process. Those recommendations, which are congruent with the programs and services offered by Pacific, will be given deference. When recommendations go beyond services and benefits that can be provided by the University they may be used to suggest potential referrals to local area services providers outside of the University. When accommodations or aids are ones available from governmental entities, students should seek those services.

Documentation for ADD/ADHD

It is the policy of University of the Pacific to provide appropriate accommodations to students who have a documented disability of Attention Deficit Disorder, or Attention Deficit with Hyperactivity Disorder (ADD/ADHD). To establish eligibility for services, students must present documentation that meets the following criteria:

1. Students must present appropriate documentation.
2. The most recent or reconfirmed diagnoses for ADD/ADHD for traditional age freshmen generally should have occurred no more than one (1) year prior to the date of request for services; otherwise within 3 years.
3. A diagnosis of ADD/ADHD can only be made by a professional with expertise (training and experience) in the diagnosis of ADD/ADHD in adolescents and/or adults. These typically include one of the following:
 - a. Licensed Psychologist
 - b. Licensed Medical Doctor (MD) or Doctor of Osteopathy (DO)
 - c. Certified School Psychologist (K-12)
 - d. Certified Learning Disability Specialist (Community College)

4. The documentation must include the following:

- a. Notation of the professional's license.
- b. Detailed developmental history.
- c. Clear and complete DSM diagnosis:

This must include a statement of Type (i.e., Hyperactive/Impulsive, Inattentive, or Combined). A statement regarding the severity of the symptoms is also extremely helpful (i.e., Mild, Moderate, Severe).

- d. Date of the diagnosis or most recent evaluation.
- e. Test results (including all standardized test and subtest scores) of the

procedures and instruments used to make the diagnosis. Some standardized measures should be included (e.g.):

- 1) TOVA
- 2) Connor's
- 3) WAIS-R or WAIS-III
- 4) Woodcock-Johnson Psycho-Educational Battery-Revised (WJ-R)—
Cognitive Battery
- 5) Stanford-Binet Intelligence Test- (current edition)
- 6) Minnesota Multiphasic Personality Inventory (MMPI-2)

5. Summary of test results, including both behavioral observations and all standardized test scores.

6. Summary of past and present symptoms.

7. If appropriate, medical information related to current or recent use of MD/DO prescribed medication(s) to treat ADD/ADHD, side effects, and opinions of the impact of the medication(s).

8. Any recommendations for accommodations and coping strategies.

9. Description of accommodations and coping measures granted by the student's former educational institution(s) and employed by the student in the past three (3) years.

10. An MD or DO should be seen to confirm the ADD/ADHD diagnosis and prescribe appropriate medication.

Documentation for a Specific Learning Disability

The following guidelines are provided in the interest of ensuring that documentation is appropriate to verify eligibility and to support requests for accommodations, academic adjustments, and/or auxiliary aids.

1. Students must present appropriate documentation.
2. In most cases, assessment or diagnosis (i.e., testing) must have occurred not more than three years prior to the date of request for services.
3. A professional who has expertise (training and experience) must make the assessment of learning disabilities in adolescents or adults. These typically include but are not limited to one of the following professionals licensed or credentialed in the state where they practice:
 - a. Licensed Psychologist or licensed Educational Psychologist
 - b. Licensed Medical Doctor (MD) or Doctor of Osteopathy (DO)

- c. Credentialed School Psychologist (K-12)
- d. Credentialed Learning Disability Specialist (Community College)

4. The Documentation must include the following:

- a. Notation of professional license or statement of experience in this specialty area.
- b. Date(s) of assessment.
- c. Summary of intake/background information. NOTE: This MUST include consideration of alternative explanations for test results; these include but are not limited to psychological issues (e.g., math/test anxiety, depression, Attention Deficit/Hyperactivity Disorder), medical problem/history, impact of cultural/language differences, or visual/auditory impairment.
- d. Summary of procedures and instruments used to make the diagnosis.
- e. Summary of assessment, including both behavioral observations and all standardized test scores and all subtest scores (see #5 below).
- f. Clear and complete DSM-IV Diagnosis with the specific type of learning disorder desirable.
- g. Any recommendations for academic adjustments and accommodations to minimize the impact on the student's academic performance.
- h. Description of accommodations and coping measures granted by the student's former educational institution(s) and used by the student in the past three-five (3-5) years.

5. Testing Instruments

- a. Aptitude/Cognitive Functioning: (ONE OF THE FOLLOWING)
 - Wechsler Adult Intelligence Scale-R (WAIS-R or WAIS-III)
 - Woodcock-Johnson Psycho-Educational Battery-Revised (WJR-R)—Cognitive Battery
 - Stanford-Binet Intelligence Test (current edition)
- b. Academic Achievement:
 - Woodcock-Johnson Psycho-educational Battery-Revised (WJ-R)—Achievement Battery Required subtests: Letter-Word Identification, Passage Comprehension, Calculation, Applied problems, Dictation, Writing Samples Desirable subtest: Word Attack
 - Wechsler Individual Achievement Test (WIAT) or Later Version
- c. Personality Assessment (Helpful in identifying psychologically related disorders):
 - Measuring instruments determined by psychologists.
Example: Minnesota Multiphasic Personality Inventory (MMPI-2)

Documentation for Deafness/Hearing Impairment

Documentation should be provided by appropriate professionals qualified to provide the diagnosis and treatment of hearing disorders and may include physicians such as

otorhinolaryngologists and otologists. Audiologists may also provide current audiograms and related information. The diagnostician should be an impartial individual who is not a family member of the student.

Diagnostic Statement:

A clear statement of deafness or hearing loss, with a current audiogram that reflects the current impact the deafness or hearing loss has on the student's functioning, (the age of acceptable documentation is dependent upon the disabling condition, the current status of the student and the student's request for accommodations).

Diagnostic Criteria Used:

A summary of assessment procedures and evaluation instruments used to make the diagnosis and a narrative summary of evaluation results, if appropriate.

Limitation Statement:

A statement of the functional impacts or limitations of the hearing loss on learning or other major life activity and the degree to which it impacts the individual in the learning context for which accommodations are being requested.

Progression/Prognosis:

Medical information relating to the student's needs the status of his /her hearing (static or changing) and its impact on the demands of the academic program.

Recommendations:

Include a statement that outlines the student's current use of hearing aids, assistive listening devices, accommodations or auxiliary aids. Recommendations from professionals with a history of working with the individual provide valuable information for the review process. The recommendations will be included in the evaluation of requests for accommodation and/or auxiliary aids. Those recommendations, which are congruent with the programs and services offered by Pacific, will be given deference. When recommendations go beyond services and benefits that can be provided by the University they may be used to suggest potential referrals to local area services providers outside of the University and/or direct contact with governmental entities.

Documentation for Blindness/Visual Impairment

Documentation should be provided by appropriate professionals qualified to provide the diagnosis and treatment of visual impairments and may include physicians such as optometrists. The diagnostician should be an impartial individual who is not a family member of the student.

Diagnostic Statement:

A clear statement of vision-related disability with supporting numerical description that reflects the current impact the blindness or vision loss has on the student's functioning (the age of acceptable documentation is dependent upon the disabling condition, the current status of the student and the student's request for accommodations).

Diagnostic Criteria Used:

A summary of assessment procedures and evaluation instruments used to make the diagnosis and a summary of evaluation results, including standardized scores.

Limitation Statement:

A statement that includes current or present symptoms that meet the criteria for diagnosis as well as narrative information about the student's abilities and the use of corrective lenses or ongoing visual therapy, if appropriate.

Progression/Prognosis:

Medical information relating to the student's needs, the status of the individual's vision (static or changing) and its impact on the demands of the academic program.

Recommendations:

Include a statement that outlines the student's current use of corrective lenses, assistive technology, accommodations or auxiliary aids. Recommendations from professionals with a history of working with the individual provide valuable information for the review process. The recommendations will be included in the evaluation of requests for accommodation and/or auxiliary aids. Those recommendations, which are congruent with the programs and services offered by Pacific, will be given deference. When recommendations go beyond services and benefits that can be provided by the University they may be used to suggest potential referrals to local area services providers outside of the University.

Information regarding Other Disabilities

There are a large number of students on campus who are registered with Services for Students with Disabilities and have illnesses or medical conditions that do not fit into any of the major disability groups outlined in this handbook. These students, however, in certain circumstances may have qualifying disabilities covered by Section 504/ADA. Their illnesses or conditions can affect their energy level, memory, mobility, speech, vision, and/or muscular control. In some cases, the degree may even vary from one day to the next because of the nature of the medical condition, medication received, or therapy. Illnesses may not follow a set course and are often progressive, which can cause emotional issues for the student. It should be noted, however, there is no general set of

accommodations and that accommodations that are greater than, less than or different from what will be effective and reasonable for the particular situation and should not be expected.

A partial list of these, often times hidden, disabilities include:

- AIDS
- Arthritis
- Cancer
- Cerebral Palsy
- Chronic Pain
- Diabetes
- Epilepsy
- Heart or Vascular Disease
- Hemophilia
- Lupus
- Multiple Sclerosis
- Muscular Dystrophy
- Renal/Kidney Disease
- Respiratory Disorders
- Sickle-Cell Anemia
- Stroke
- Tourette's Syndrome

Because of medical involvement in many of these conditions, some students may be absent from class frequently, and may need similar accommodations to those discussed elsewhere in this manual. Others may need no accommodations. Common side effects of medications may include fatigue, memory loss, shortened attention span, loss of concentration, and drowsiness. Often times, the degree of impairment varies from time to time for a variety of factors. Each student's needs and the appropriate documentation required will be considered on an individual basis.

It should be noted that exemption from the rules and standards of behavior and conduct of students of the University is not a reasonable accommodation and should not be expected. Students who, because of a qualifying disability, believe that they will not be able to meet those rules and standards are not then "qualified" students as defined in the Core University Policy.

Reasonable Accommodations

In order to qualify for services and accommodations, the student must identify him/herself to the Office of Services for Students with Disabilities by providing recent and specific evidence that documents a formal physical, psychological or learning disability from a qualified professional. All documentation must include information regarding assessments used, their outcomes as well as specific recommendations for services and accommodations that are directly related to the diagnosis. Student records are kept confidential except to the extent review and implementation of accommodations warrant.

Pacific expects that a student with a disability will give sufficient notice of his/her need for assistance (well before the start of the semester) although the University will consider the merits of each request at the time it is received. Upon receiving a request for assistance as well as appropriate documentation, the Coordinator of the Office of Services for Disabilities considers the student's need for assistance as it relates to the documented disability. Determination of accommodations will be in collaboration with the student, in consultation with faculty when necessary, based on recommendations of the documentation.

The following list is an example of the types of reasonable accommodations and services that University may provide, on a case-by-case basis, to assure equal access and it should not be expected that any particular accommodation will be provided in each or any situation:

- Academic adjustments and curricular modifications
- Assistive Technology
- Consultation with faculty and staff
- Registration assistance and classroom rescheduling
- Readers, scribes, note-taking and library assistance
- Test proctoring services
- Transportation and mobility assistance

Types of Accommodations

University faculty and staff should be aware that information about an individual's disability is confidential and cannot be shared for any reason without a specific written release signed by the student. It is not appropriate to discuss disability issues in the presence of other students or faculty. Please arrange to meet with the student during office hours or a scheduled appointment to allow for a private discussion.

The following types of accommodations are permissible in an academic setting, where determined by the University:

- enlarged or audio taped course materials, handouts, syllabi and exams

- audio taping of a lecture
- sign language interpreters for a lecture
- student note takers for a lecture
- extended time for tests
- relocation of a class to a more accessible site
- adaptive computer technology for tests
- modified testing formats or alternative means of evaluation
- readers or scribes
- lab assistance

Please note: Personal attendants and devices of a personal nature are not provided.

Test Proctoring Services

The primary alternative testing accommodations are extended time and/or non-distracting environment. To assist faculty in providing these accommodations, the Office of Services for Students with Disabilities offers test-proctoring services. Requests for extended time and/or a non-distracting environment are generally requested for many disabilities. Should the student's documentation support the need for an oral exam, reader, or alternative format, the instructor will be notified on the accommodations request form at the beginning of the semester. SSD is available to assist with these more specialized accommodations. Please note that extended time is not synonymous with unlimited time. The accommodations request form that the instructor receives at the beginning of the semester will refer to the amount of the extended time that the student is permitted to have for exams. At the instructor's discretion, this time limit may be increased.

In special instances, when the instructor can demonstrate that the alternative testing format considerably changes the nature of the course, he/she has the right to propose an alternative accommodation (the professor is welcome to collaborate with SSD for ideas about alternative reasonable accommodation). The instructor should provide a well documented, data based reason for this adjustment.

The following information will be helpful in assuring that the information we receive

from faculty is both clear and accurate in order to provide the testing accommodations in the manner that the instructor has determined is in keeping with both their academic standards and that allows the student equal access to courses at Pacific.

- Test Proctoring Services are available: Monday through Friday from 8:30 AM to 5 PM. Whenever possible, student exams being proctored by SSD should be scheduled at the same time that the test is given in class.
- For exams that will be proctored in the Educational Resource Center (ERC), the student must provide the instructor with a test proctoring form that has the student section completed and is signed at least 48-hours before the exam is to be administered.
- The instructor should then carefully complete the professor's section of the form. The form is a communication tool with the ERC about how the instructor would like the exam administered. We only provide those accommodations that are noted by you on the form. If necessary, please refer back to the Accommodations Request Form you received from SSD to verify the types of testing accommodations the student will need.
- Because our services are limited to students with disabilities, if an instructor has not received an Accommodations Request Form on behalf of the student, who is requesting test accommodations - we cannot proctor his/her exam. Please refer the student to the Coordinator of SSD in Bannister Hall, Room 101.
- Please indicate what aids or tools, if any, will be permitted to assist the student in completing the exam (i.e., calculator, note cards, etc.).
- If the ERC must convert the exam into an alternative format (i.e. audio-tape, large-print, etc.), please make a copy of the exam available 72-hours before the exam is to be administered;
- Exam delivery can be made by the instructor in-person as well as via fax or e-mail.
Note: SSD will pick up tests directly from the professor's office and return completed exams back to the professor, please call x62458 to make these arrangements.

Students may discuss their needs with their professors once an Accommodations Request Form has been received and/or when they are making arrangements for test proctoring. At those times, students may request additional support, but that does not mean their request is *reasonable*. Instructors with concerns regarding the validity of any accommodation requested by a student with a disability or questions about test proctoring should contact SSD immediately. Our objective is to provide faculty and students with a secure exam environment, while maintaining the same academic standards and testing parameters that an instructor establishes in the classroom (*please see the section entitled Academic Dishonesty on page 42*). At no time is the University required to compromise academic standards.

Assistive Technology

When the validated documentation regarding a student with a disability specifies the need for assistive technology (i.e. spell checkers, calculators, word processing or any other technical tool), the student should be permitted to use the technology in order to provide equal opportunity for participation in the academic environment; however, these devices

may warrant scrutiny by SSD to assure that unequal academic competition does not result.

The Office of Services for Students with Disabilities maintains information regarding the availability of assistive technology and the location of that technology on the Stockton campus. Please contact SSD for additional information or referrals when necessary.

Audio-Taped Lectures

When the documentation regarding a student with a disability establishes a reasonable accommodation in the form of assistance with note taking, the student may or may not be permitted to tape lectures. Due to the use of personal computers, there is often reduced need to compensate for limitations on manual note taking with taping. If requested by the professor, the student may be required to sign a taping agreement outlining the appropriate use of the tape during the semester, as well as the ultimate destruction of the tape at the conclusion of the semester.

If the class is primarily a discussion class, students in the class may request that an agreement be signed to protect their confidentiality. Those portions of a course that include direct discussions of an individual and his/her personal information (i.e. clinical settings) may not be tape-recorded.

Note-taking Assistance

1. Students requesting the services of a note taker are required to be registered with Services for Students with Disabilities.
2. Students must meet with the SSD Coordinator each semester the service is needed.
3. The student is responsible for notifying the professor regarding the need for a note taking assistance by presenting the Accommodations Request Form to the professor during office hours at the beginning of the semester.
4. It is the student's responsibility to confirm that a peer in class who is willing to share his/her notes has been found. If the professor has not made an announcement in class

during the first week of classes, please contact SSD immediately. SSD will assume that the student has access to notes, if the student has not indicated otherwise.

5. It is the student's responsibility to speak with SSD immediately if there is a problem with the notes. If the student is missing class notes, it is the student's responsibility to alert SSD of the specific dates that notes were missing.

6. SSD will make carbonless note taker paper/notebooks available. Also, SSD will make its photocopier available to copy notes. Any other arrangements for the exchange of notes are between the student and the peer, who has agreed to share his/her notes.

7. It is mandatory that students making use of note taking assistance attend all class sessions. Receiving copies of notes is not a substitution for the student's attendance.

9. A student, who is unable to attend a class because of a disability-related illness, emergency, or for an extended time, must notify the professor. If the professor is not notified of the absence, note taking assistance may be interrupted or suspended.

10. Note taking assistance may be discontinued if any of the above policies or any combination of the above policies is violated or abused.

11. Copies of notes should be submitted to the SSD office within 48 hours for a Monday, Tuesday, or Wednesday class, and within 96 hours for a Thursday or Friday class (unless the student has made alternate arrangements).

Readers/Scribes/Tutors/Library Assistance

Readers

If specified in the documentation of a student with a disability, readers will be provided for test taking only. Otherwise, a reader is considered a personal service and the University is not required to provide one. 72-hours' notice is required for proctored tests that require the use of a reader.

The reader will not offer clarification or interpretation of test questions, but instead will read test questions verbatim as they appear on the exam. If clarification of a test item is a problem for the student while having a test proctored in the ERC, the test proctor will attempt:

- To call the professor and allow the student to ask the professor the question directly.
- To leave a message if the professor is unavailable, including the ERC telephone number, asking the professor to call back before the conclusion of the exam.

- To instruct the student to write a brief explanation of the how he/she understood the question, if the professor is not available so that the instructor will have better insight regarding the student's response.

When a reader is being used for an exam, both additional time and an area where the reader will not disturb other test-takers should be provided. At the conclusion of the exam, the reader will indicate on the exam, "Read by: (insert reader's full name)."

Scribes/Typists

The student requesting the scribe service must have a documented temporary or permanent physical disability that warrants the use of the service(s).

Students whose disabilities limit their ability to manually write will be offered two options for test taking situations:

1. To record their responses using a tape recorder
2. To have a scribe write down the answers exactly as dictated by the student taking the test

The instructor will make the final decision regarding which option the student will be permitted to use during a test. If a scribe is used, at the conclusion of the exam, he/she will indicate, "Scribed by: (insert scribe's full name)." 72-hours notice is required for those proctored exams that will require the use of a scribe.

Although disability law considers typing of papers a personal service, when the University's voice input software is unavailable or the inaccuracy of the software program requires the assistance of the typist to make corrections, providing a scribe or a typist is a reasonable substitute.

Regarding typing assistance for papers, it is the responsibility of the student to provide SSD with ample notice:

- Three –five (3-5) business days are required for papers one-five (1-5) pages in length
- Seven (7) business days are required for papers that are more than five (5) pages in length
- Especially lengthy requests, fifteen (15) or more pages, should be submitted no less than ten-fourteen (10-14) business days in advance
- Proofreading and editing services are not provided. If the student will need the assistance of a writing tutor or would like to review a draft, he/she should consider having the paper submitted to SSD even earlier than outlined above

- If the student is unable to manually write out a draft of the manuscript, SSD will accept an audiotape of the assignment. The student will be expected to spell out and describe any discipline specific vocabulary or jargon, symbols or other unusual writing mechanics

Tutor Services

Although tutor services are considered a personal service and not mandated by law, the University believes that this is a valuable resource that facilitates student success.

Free tutoring is available to all University of the Pacific students in most courses, as tutors are available, and as resources permit through the Tutorial Center in the Educational Resources Center. Peer tutors are provided based upon availability of qualified students. When a request is made in a subject that does not currently have a tutor available, the Educational Resource Center will make an effort to recruit and hire a qualified student. The ERC or the University cannot be held responsible if, after an adequate search, a qualified tutor is still not available.

Library Assistance

If persons with disabilities need extensive assistance utilizing the library and its resources, a student employee from SSD can provide this service and should be requested 24-48 hours in advance when possible.

Personal Care Services/Attendants

The University does not provide or subsidize:

- Ambulatory devices (i.e. wheelchairs, walkers, etc.)
- Individually prescribed devices (i.e. prescriptive or ergonomic chairs, orthopedic back supports, etc.)
- Readers for personal use or study
- Personal care services such as assistance with bathing, dressing, laundry, using the restroom, administering medication, assisting with medical equipment or devices, etc.

Personal needs that require an attendant are the responsibility of the student. The Office of Services for Students with Disabilities will provide referral information to community agencies upon request.

A Student with disability who will be utilizing the assistance of a personal care attendant must complete a Guidelines for Personal Care Attendants Form. Both the student and the PCA will need to sign this form at the beginning of each semester that student is enrolled in courses.

Alternative Formatting of textbooks and academic materials

The University does not have an institutional membership with Recordings of the Blind and Dyslexic (RFBD) for books on tape or Bookshare for books in an electronic format; however, it does have the application forms available for those students who qualify to register for those services. To become a member of RFBD or Bookshare, the student is required to pay a membership fee. SSD can assist the student in completing the RFBD or Bookshare application forms.

To receive books-on-tape or in an electronic format, the student must provide SSD with the book's title, edition number, ISBN number and the publisher's name six to eight (6-8) weeks prior to the start of the semester. (The student should contact the instructor, the academic department that supports the course or the University bookstore for this information.) SSD will contact RFBD and/or Bookshare and place the book order on behalf of the student (the student can elect to place their own order). Please keep in mind that it can take two-three weeks for shipping the books-on-tape or e-text to a student's address after an order has been placed.

If a book is not already on file with RFBD, the organization can record the text(s). While this can take several weeks, arrangements can be made for "keep-up-with-the-class" installment of tapes.

If a book is not already on file with Bookshare, the organization can convert the text to an electronic format. Again, this process can take several weeks, so please make your requests in advance.

In the event that the textbooks are not available through Recording for the Blind and Dyslexic or Bookshare, SSD will work with qualifying students to arrange for alternative formatting of their required reading assignments. In that instance, the students will need to provide copies of their course syllabi during the first week of class and prioritize each reading assignment.

SSD will not arrange for alternative formatting of any books or materials that are already available through RFBD, Bookshare and/or other agencies.

Service Animals

The definition of a service animal in the Americans with Disabilities Act (ADA) is "any animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals who are hearing impaired to intruders or pulling a wheelchair, or fetching dropped items." If an animal meets this definition, it is considered a service

animal regardless of whether or not it has been certified by a training program.¹

Service animals must be permitted to accompany an individual with a disability in nearly all locations on campus. If there is any question from University officials including faculty and staff whether an animal is a service animal, please consult with the Coordinator of the Office of Services for Students with Disabilities (SSD).

Guidelines for individuals with disabilities utilizing the assistance of service animals on campus:

- Dogs must be vaccinated and licensed in accordance with applicable state, county, city and/or local regulations.
 - Other types of animals must have vaccinations and licenses, if required by law, as appropriate for that type of animal.
- Animals must be in good health as determined by a licensed veterinarian.
- Partners/handlers and/or individuals with disabilities who house service animals in University residences should notify both the SSD Coordinator and the Director of the Office of Housing.
- Partners/handlers and/or the individual with a disability are responsible for ensuring the proper disposal of animal waste.
- When service animals are in common areas and in order to retain full control of the animal, the partner/handler and/or individual with a disability should ensure that the animal is on a leash, in a carrier, or otherwise in direct control of the animal as appropriate given the nature of the individual's disability and as appropriate to both the type of animal as well as the type of service(s) the animal provides for the individual with a disability.

Disruptive and aggressive animals may be asked to leave University facilities. If the improper behavior happens repeatedly, the partner/handler and/or individual with a disability may be told not to bring the animal into any facility until the partner/handler and/or individual with a disability takes significant steps to mitigate the animal's behavior. This mitigation may include muzzling a barking dog, or refresher training for the animal and partner/handler and/or the individual with a disability.

Please note that the University, on an individualized case-by-case basis, will engage in an interactive process to consider and implement reasonable modifications to this policy as are necessary to accord individuals with disabilities access to its programs, services and activities. We ask that you contact the Coordinator of the Office of Services for Students with Disabilities should you require such modification or need further assistance.

¹ In regards to the use of any other animals, if an individual with a disability requests the use of any non-service animal, the individual should contact the Coordinator of the Office of Services for Students with Disabilities.

Classroom Furniture

1. Students requesting accommodation through the use of accessible classroom furniture must be registered with Services for Students with Disabilities and provide documentation from their treating physician verifying they are unable to use existing furniture.
2. Documentation must specify both the medical condition or disability requiring furniture, and the way in which the furniture accommodates their need(s). Eligibility for this service is determined on a case-by-case basis.
2. Students must notify the SSD coordinator of the need for specific furniture in advance of the start of the semester (preferably two weeks or more) to evaluate the request and provide the accommodation.
3. SSD will arrange to obtain the furniture and move it to the appropriate location, if necessary, in a timely manner.
4. SSD will inform faculty regarding the placement of the specific furniture in the classroom and priority use by the student with the disability during class/lab hours.
5. Due to University purchasing procedures, furniture is ordered through specific vendors; this may cause a delay in the receipt of the item. When placing orders, SSD will work diligently with the purchasing office to help ensure prompt delivery.
6. Students must bring their own cushions or orthopedic supports as needed to use in a chair (the University is not responsible for items lost or stolen because they are left unattended in the classroom).
7. Accessible furniture provided by SSD is not prescriptive in nature and should be considered only as a means to improve classroom access.

Priority Registration

Services for Students with Disabilities shall determine whether a student shall be granted priority registration. All students registering with SSD will be considered for priority registration based on disability-related criteria.

1. Pick up registration materials from the University Registrar's Office during the designated registration period as indicated in the current semester's schedule of classes.
2. The student should meet with his/her adviser (who will have the student's appointment date and time card) and select classes checking carefully to see that the student

meets all required prerequisites.

3. The student's advisor may or may not know that the student is eligible for priority registration. During this process, SSD will keep the information regarding the student's disability confidential, and likewise ask that the student to do the same regarding these priority registration arrangements. **The student's card will only reflect the earlier appointment time that has been arranged for him/her.**

If the student has selected any classes with a "p" following the course number, he/she will need the instructor's initials indicating permission.

NOTE: The student will need his/her adviser's approval and signature on the schedule. Courses that do not have the adviser's approval will not be processed. Students who register for a course and do not meet the prerequisites or placement tests will be dropped from the course.

4. For courses with arranged units, decide with the instructor upon the proper placement of units and mark the student's registration correctly.
5. On the student's designated appointment time and day the student may early register by going on the Banner Web or by going into the University Registrar's Office. Once the appointment time has passed, the student may at anytime go on the Web or go into the University Registrar's Office to early register.
6. When the student returns in the following semester, his/her registration will be confirmed by payment of tuition or arrangements with the Student Accounts Office and at that time the student should **complete or update an address form**. Students must check in at their school. If for some reason the student is unable to return to the University, please contact both the both the Center for Advising, Orientation and Retention notify them of the student's withdrawal and the Office of Services for Students with Disabilities to indicate the student's will not require accommodations for the upcoming semester.

Field Trips, Retreats, and Off-Campus Activities

The following is a list of items that faculty, staff, and student leaders should consider when preparing a field trip, retreat or other off-campus activities. The University is required to make reasonable accommodations and avoid discrimination of qualified persons with disabilities. The anti-discrimination requirements extend to school-sponsored activities that take place outside the University campus. It is important, therefore, to consider the following issues to ensure that all qualified persons, including those with disabilities are able to participate.

- Give adequate notice about and descriptions of the event to all participants
- Consider the “essential nature” of the event, and whether persons with disabilities have equal opportunity to participate in the planned off-campus activity
- Notify the participants well ahead of the planned event that the faculty, staff or student organization sponsoring the activity is available to speak privately with any person who may need an accommodation for his/her disability
- Be certain that the off-campus facility and site are accessible
- Provide equivalent transportation and access for persons with disabilities and for their attendants

- Develop an alternative assignment that can be completed in lieu of participating in this activity should a student with a disability be unable to attend due to inaccessibility or other disability-related concerns
 - **In the event that a student with a disability is unable to attend the event, provide him/her with specimens, detailed photographs or other appropriate or suitable data reflective of the experience**
- Include a statement in any written materials related to the activity advising an individual with a disability seeking accommodations to discuss his/her needs with a specified contact person

- The individual with a disability cannot be charged more than other individuals participating in the event to offset the cost of the accommodation. **The sponsor of the activity, not the University or the SSD office, is responsible for the cost of making the program or activity accessible.**

- Consult with the Office of Services for Students with Disabilities as needed.

Access to the University and its services and programs

Transportation Assistance

The Office of Services for Students with Disabilities offers courtesy cart rides for individuals with physical or mobility disabilities.

This service is provided Monday through Fridays between 8:30 AM and 5:00 PM during the Fall and Spring semesters only. Based upon the availability of authorized personnel, evening and weekend transportation may be arranged in extenuating circumstances and are considered on a case-by-case basis. In the event this service cannot be made available after office hours, please contact the Office of Public Safety for assistance by calling 946-2537.

For individuals with disabilities that will need recurring services, a completed application and schedule form showing the need for transportation services are required. Please contact the Office of Services for Students with Disabilities in advance should the schedule change by calling 946-3221.

Please be aware that drivers have only a limited time that they can wait at designated pick-up locations because they are assisting other users of the service. Individuals who are “no-shows” on 3 or more occasions without calling in advance will not be permitted to utilize the transportation services for the remainder of the semester, and will have to make their own alternative transportation arrangements

Student Rights and Responsibilities

Student Rights

- To not be denied access due to a disability in compliance with the Core University policy
- To receive reasonable accommodations that provide equal opportunity in compliance with the Core University policy
- To receive assistance from the Office of Services for Students with Disabilities
- To not be discriminated against due to a disability or receive any retaliatory discrimination
- To confidentiality

Student Responsibilities

- To identify him/herself to the Office of Services for Students with Disabilities
- To provide appropriate documentation of disability
- To ensure that faculty receive an Accommodations Request Letter at the beginning of the semester (preferably within the first two weeks of the Fall and Spring semesters; within the first two class meetings during the summer semesters)
- To provide both the instructor and the Office of Services for Students with Disabilities 48 hour notice when they will be utilizing test proctoring services in the Educational Resource Center
- To provide for his/her own personal care needs
- To assume personal responsibility for meeting with faculty, requesting tutorial assistance, and adhering to all other University policies and standards

Faculty Rights and Responsibilities

Faculty Rights

- To expect all students to adhere to the University code of conduct and the policies that the instructor has established for his/her course
- To be provided with a copy of the Accommodations Request Form at the beginning of the semester (preferably within the first two weeks of class during the Fall and Spring semesters; within the first two class meetings during the summer semesters)
- To receive test proctoring request at least 48-hours in advance
- To negotiate for alternative accommodations when those requested would jeopardize academic standards of the course

Faculty Roles

- To assist in carrying out the University's responsibility of accommodating students
- To provide accommodations when the Accommodations Request Form has been approved
- To maintain confidentiality by meeting with the student in private to discuss accommodations
- To contact SSD if there are questions or concerns about accommodations requested
- To include a statement on syllabi:

If you are a person with a disability that requires accommodation, please see the

Coordinator of the Office of Services for Students with Disabilities in Bannister

Hall, Room 101 for more information on how to obtain an Accommodations

Request Form. Then please schedule a meeting with me during office hours or

some other mutually convenient time to arrange the

accommodation(s). Responsibilities of the Office of Services for Students with Disabilities

Summary of Responsibilities

- To prohibit discrimination against qualified individuals with disabilities
- To reduce or eliminate physical, academic and attitudinal barriers
- To provide reasonable accommodations
- To assist the student in self-advocacy
- To assist the student in problem solving by guiding the student to resources both on- and off-campus
- To serve as a liaison with faculty, staff and other University departments when a disability-related concern arises
- To maintain confidentiality and share information on a need-to-know basis

Confidentiality of Student Records

Is a teaching faculty member entitled to information about the nature of a disability of a student enrolled in such faculty member's class when the student has disclosed his disability to the University pursuant to a request for reasonable accommodation?

Does providing such information to teaching faculty violate either the student's right under the Americans with Disabilities Act (ADA) to not have to disclose his/her disability or a student's right to confidentiality under the Family Educational Rights and Privacy Act (FERPA) with respect to his/her identifiable student records?

The answers lay both in University of the Pacific (Pacific) policy and procedures as well as in governmental procedural regulations and case law pertaining to the ADA and FERPA. The answers are also applicable to how Pacific maintains its confidential student records and handles such matters regarding disclosure of information about its students with disabilities at each of its campuses; and the answers impact the decision-making authority of Pacific's officials responsible for academic matters.

Pacific has a duty under both Section 504 of the Rehabilitation Act and Title III of the Americans with Disabilities Act to reasonably accommodate qualified persons with disabilities who can benefit from its educational programs and services, and to not discriminate against such persons.

The Family Educational Rights and Privacy Act affords students certain rights with respect to their educational records. Among those rights is the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

(As an aside, FERPA gives students the right to inspect and review their education records pursuant to a reasonable request for access; the right to request amendment of education records that a student believes is inaccurate or misleading. Further the student has the right to file a complaint with the U.S. Department of Education concerning failures by the University to comply with the requirements of FERPA.)

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is defined as:

- A person employed by the University in an administrative, supervisory, academic, or support staff position (including law enforcement and health staff)
- A person or company with whom the University has contracted (such as an attorney, auditor, or collection agent)
- A person assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official appropriately may review an education record in order to fulfill his or her professional responsibility. FERPA also does not distinguish between the types of information that is contained in a student record. Formal records kept by the Office of Services for Students with Disabilities that are personally identifiable to a particular student, therefore, are considered educational records under FERPA that are entitled to protection and limited confidentiality. Thus, information about an individual student's disability that is maintained in a Pacific file pertaining to such student should be considered as a record

entitled to protection under FERPA.

Typically, there are two types of scenarios in which a teaching faculty member may legitimately and reasonably seek information regarding the nature of a student's disability. One involves a situation in which the faculty member questions the reasonableness of the accommodations being provided to a particular student, and how such accommodations may impact or modify the standards applicable to the educational program in which the faculty member is involved. The logic behind disclosing such information under these circumstances stems directly from the U.S. Supreme Court's decision in *Southeastern Community University vs. Davis*, 442 U.S. 397, where the Court held that section 504 (which is akin to ADA) does not require an institution to "lower or effect substantial modifications of standards to accommodate a handicapped person," 442 U.S. at 413. Essentially, the rationale behind the *Davis* decision is to protect the integrity of an institution's academic programs. Thus, academicians (instructional and administrative faculty) responsible either for providing input or for making the determination as to whether an accommodation impacts or modifies program standards must have access to all necessary information required to make their academic judgments and decisions.

The second scenario involves control of the classroom environment and how best to effectuate a reasonable accommodation that both takes into consideration the safety of all involved while being as minimally disruptive to the classroom environment as is possible. Under such a scenario, the instructor who is in charge of maintaining control of the classroom, and implementing the accommodation in the classroom, should be aware of the possible types of situations that may reasonably arise in the classroom as a result of a student's special needs. Such knowledge may allow a faculty member to render a decision regarding an accommodation as well as to function properly in an emergency or other unforeseeable situation that may arise in the classroom due to the student's disability and/or accommodation.

Under either of these scenarios, it is not unreasonable that a teaching faculty member be viewed as having a "need to know" about the nature of the disability of a student. However, whether a teaching faculty member or other school official should be granted access to all information about an individual student's disability that may be contained in a student's record is a discretionary decision that is within the University's authority to make. There is not a problem under FERPA with sharing ADA related information or any other information contained in a student record with persons designated as school officials so long as it is reasonable that such school officials have access to such student record information in order to do their job. However, the information being shared with the school official, or to which the school official has access, should only be that which is appropriate to do the job. For example, sharing the nature of a student's disability with a teaching faculty member in order to determine the reasonableness of an accommodation in light of program standards may be deemed appropriate. Would it be considered reasonable, however, to share the student's complete medical history or all documentation pertaining to the student's disability that is contained in Pacific student records with the faculty member? The answer is not in most circumstances.

Generally speaking, the instructor is entitled to an explanation of the nature of the student's disability in order to have input into the academic decision as to whether the proposed accommodation for the disability will fundamentally alter the nature of the instructional program. And, in some limited instances where classroom safety is involved, the instructor may be entitled to further disclosure of the extent of the disability. The decisions as to how much information and what information should be disclosed to teaching faculty are best made on a case by case basis with the determining question being -- why does the instructor need to know the information or how would it materially assist in performing his/her functions?

Where there is a dispute over a school official's "need to know", a decision on providing access to more sensitive disability-related information contained in Pacific files should be made by senior University administrators in consultation with the Coordinator of the Office of Services for Students with Disabilities. Because of the need to maintain as much privacy as is possible about matters concerning the nature of a student's disability, all persons, who receive such information, are required to treat the disclosures as confidential. That is, they may not discuss or otherwise disclose the information to others, whose possession of information is not relevant to their job functions.

Moreover, as a matter of discretionary policy, the University is also not required to provide its instructors with a checklist type of form that lists various disabilities that a student may have, or to provide detailed information about a student's disabilities to instructors in writing. The students with disabilities may not always be requesting that an accommodation be made for them with respect to each of several disabilities that they may have. Further, students are entitled to protection against discrimination under the ADA as well as privacy with respect to their student records under FERPA. Accordingly, the Coordinator of the Office of Services for Students with Disabilities should maintain written records regarding a student's disabilities in confidential files.

In summary, the law restricts unwarranted disclosure of a student's disability-related information to faculty. Pacific should avoid unwarranted disclosures, particularly where the nature of the student's disability may be easily misunderstood by uninformed persons.¹

¹ **Resource:** Everett Vann Eberhardt

Director, Legal and Minority Affairs
Northern Virginia Community College

Disposal of Student Records

When it has been three or more years since a student has either attended the University or received accommodations as a student with a disability, the University may destroy any

disability-related documentation that it has in its possession without providing further notice, absent existence of a dispute, legal issue or inquiry from a governmental entity. Pacific will not be responsible for the replacement cost of any medical or disability-related documentation destroyed pursuant to this policy, or for any new documentation that may be required in order for a student to re-apply for accommodations. For this reason, students are encouraged to retain copies of their own medical records and disability-related records, and not to depend on the University maintaining such records.

Students who would like to have their disability-related records and medical documentation returned to them may contact the Coordinator of Services for Students with Disabilities and make arrangements to pick up their records prior to destruction of such records.

The student must provide SSD with a signed release including a complete and updated address to have records mailed. If a student designates a third-party to pick up records, a letter giving the Office of Services for Students with Disabilities permission to release the records, which is signed by the student of record, must be received before records will be released to a third-party.

SSD emphasizes that the only documents that are subject to destruction under this policy are disability-related records maintained by the Office of Services for Students with Disabilities. Other records such as those associated with a student's academic, student discipline, or financial history at the University of the Pacific will not be affected by this policy. Students who have any questions about this policy or their disability-related records should contact the Coordinator of Services for Students with Disabilities.

Academic Dishonesty

SSD will adhere to the University's Honor Code as outlined in the most current edition of *Tiger Lore*:

All members of the University community are entrusted with the responsibility of observing high ethical conduct. Essential to the fundamental purpose of the University is the commitment to the principles of truth and honesty. The Honor Code is designed so that responsibility for upholding these principles lies with the individual as well as the community. The code fosters and advances an environment of ethical conduct in the community of the University, the foundation of which includes the pursuit of academic honesty and personal integrity. Through an atmosphere of mutual respect we enhance the value of our education and bring forth the highest standard of academic and individual excellence. Members of the University community, including students, faculty, staff, administration and trustees, must not commit any intentional misrepresentation or

deception in academic, professional or community matters. The code expects community members to treat others with civility, respect and dignity.

The Honor Code expects students to: 1) Act honestly in all matters. 2.) Actively encourage academic integrity and discourage any form of cheating or dishonesty by others. 3.) Inform the instructor and appropriate University administrator if she or he has a reasonable and good faith belief and substantial evidence that a violation of the Honor Code include: Cheating, Plagiarism, Lying, Stealing, Violating University Policies and/or Violating Local, State or Federal Laws. (Please refer to the current edition of *Tiger Lore* for further definitions of each of these examples.)

In addition, when proctoring tests, the ERC considers the following to be academic dishonesty:

- leaving the testing area without permission to consult your notes or textbooks
- attempting to conceal unauthorized notes or other materials and bring them into the testing area
- using or consulting, during an examination, any sources or materials not authorized by the instructor
- purposely allowing another student to copy from your paper during a test
- removing tests from the testing area without the approval of the instructor and/or SSD
- forging signatures or information on the SSD test proctoring form

Consequence of Academic Dishonesty during test proctoring in the ERC

Academic and/or administrative sanctions may be applied in cases of academic dishonesty. Should a student be caught cheating, or attempting to cheat while being proctored in the ERC, the following will apply:

1. The exam will be immediately stopped and any sources or materials will be removed.
2. The professor will be notified immediately via phone, and a follow-up letter detailing the incident with attached materials will be forwarded to the instructor.
3. SSD will also notify the Director of Judicial Affairs in the Office of Student Life.
4. The student has the right to appeal the sanction to the Office of Judicial Affairs in the Office of Student Life.

In addition to adhering to the University's Honor Code during ERC test proctoring, students are also expected to comply with the Honor code:

- when providing documentation or any other information to the SSD office
- completing any all SSD forms
- interacting with their instructors regarding information related to disabilities and

accommodation needs

Telecommunications Device for the Deaf (TDD)

A *TDD* (also known as TTY for Text Teletype or more recently TT for Text Telephone) is a device used by people with hearing and speech impairments who cannot use a standard telephone. The following is a list of locations and telephone numbers for campus TDD devices:

- Office of Services for Students with Disabilities, Bannister Hall, Room 101:
(209)946-2879
- Office of Public Safety:

(209)946-

- McCaffrey Center (designated payphone outside of the University bookstore):

(209)

Using a TDD to receive and place telephone calls

- A. When you answer a standard telephone, you will know it is an incoming TDD call when you hear the following:
1. A rapid clinking sound after you have answered the phone.
 2. No sound or voice at all (it may still be a TDD call).
- B. To receive a TDD call from a TDD-equipped telephone, follow the instructions below:
1. Turn on the TDD device.
 2. Type your normal office-greeting message: e.g., "Hello, (office name)."
 3. After complete your message type "GA" for "Go Ahead". This lets the caller know that you have completed what you are saying and it is the caller's turn to speak/type.
 4. The caller will read what you have typed and will respond. When you see "GA", you'll know it's your turn to type your response.
 5. When one party thinks the conversation is over he or she will say "Bye, SK" for "Stop Keying".
 6. Typing "SK" or "GA or SK" leaves the conversation open for the other person to respond before ending the conversation.
 7. Typing "SKSK" means that you are certain the conversation is complete and you may hang up and turn off the TDD.
- C. To place a call on the TDD, follow the instructions below:
1. Turn on the TDD device.
 2. Dial the phone number on your standard telephone, listen for the phone to ring or give a busy signal.
 3. After the greeting phrase and "GA" scrolls across the display, identify yourself and

proceed with the conversation.

More Helpful Hints in TDD Telephone Calls

- A. Use standard punctuation and other short cuts like typing “Q” at the end of a statement indicating a question.
- B. Add emotion to your typing. If something is funny, type in “Ha!”, “laughing”, “smile”, “big grin”. This is considered a courtesy and personalizes the conversation.
- C. Don’t backspace too much after mistakes. Just type “XX” and continue.
- D. The following are common abbreviations used in TDD calls:

ga=go ahead sk=stop keying sksk=call complete
q=question bec=because u=you
ur=your pls=please nbr=number
tmw=tomorrow am=morning pm=night

Using the California Relay Service (CRS)

The California Relay Service enables you to have a telephone conversation with a person who cannot use a standard telephone due to a hearing or speech impairment.

To make a call using CRS from a campus phone, follow the instructions below:

1. Dial 9 then the voice phone number: 711.
2. A Communications Assistant (CA) will answer.
3. Tell the CA that you want to place a TDD call, and provide the person’s name and telephone number.
4. The CA uses a TDD to contact the individual.
5. The CA acts as an interpreter to relay what both parties say during the conversation.
6. The CA will let you know when the initial connection has been made.
7. Talk in your normal speaking voice with appropriate pauses (you may want to slow down a little, but not too much).
8. When you are finished speaking say “GA” or “Go Ahead.” This alerts the CA that you have completed what you are saying and it is his/her turn to speak/type. “SKSK” is used to denote “signing-off” when the conversation has ended and the call has come to an end.
9. Regard the CA as an interpreter, who is there only to relay your conversation. Talk directly to the person you have called, and do not refer to the individual in the third person. For example, don’t say “Tell him/her that...”

To receive a call from a person using a TDD device through CRS, follow the instructions below:

1. When you answer the phone, the CA will explain that you have a relay call from

- (person's name). Begin talking to the person as you normally would during a phone conversation. For example, say "Hello, this is (your name), GA" and continue as outlined in steps four through nine (4-9) above.
2. What if I don't understand how to use the CRS? At the beginning of the Relay call (whether you are placing the call or receiving the call), you may ask the Communications Assistant to assist you in utilizing the service appropriately.

Using Speech-to-Speech (STS) Service

STS operators serve as "voicers" for users with speech disabilities, who may have difficulty being understood on the telephone. Placing a STS call is similar to using the California Relay Service. Please use the toll-free number: 800-854-7784 to initiate a call to persons with speech impairments.

Grievance Procedure

University of the Pacific's Grievance Procedure For Student Disability Accommodation Issues and Alleged Discrimination Based on Disability

University of the Pacific has established the following procedure to resolve promptly disagreements of students with decisions related to requests for accommodations and grievance asserting discrimination based on disability.

Step 1: Present a letter of complaint to the Coordinator, Office of Services for Students with Disabilities Voice/TDD: (209)946-2879, Main Campus, Stockton. The letter must state in detail the issues with which the student is dissatisfied, the pertinent facts and attach the important documents. A copy will be furnished to the University's ADA Compliance Officer, Office of Human Resources (ph. 209.946.2114) if the issue arises with regard to the Main Campus, and in the case of School of Dentistry issues, the Assistant Dean for Student Services of the School and in the case McGeorge School of Law, the Dean of Students, a copy will be also provided to those individuals. The ADA Compliance Officer, the Assistant Dean of the School of Dentistry or the Assistant Dean for Mc George, as the case may be, will provide a letter of determination of the complaint within fifteen (15) working days.

Step 2: If the student is dissatisfied with the determination at step 1, the student may within 15 working days appeal to the Director of Human Resources by transmitting a letter of appeal, explaining the basis for disagreeing with the determination at step 1. The Director of Human Resources will evaluate the appeal and issue a letter of determination of the appeal as soon as possible, which shall constitute a final resolution within the University.

Thereafter, if the student wishes to file a complaint with the Department of Education, Office of Civil Rights ("OCR"), the student may do so by contacting OCR in San Francisco at:

- Office for Civil Rights - Region IX U.S. Department of Health & Human Services
50 United Nations Plaza - Room 322 San Francisco, CA 94102 (415) 437-8310
(Voice); (415) 437-8311 (TDD);(415) 437-8329 (FAX)
E-mail: OCRcomplaint@hhs.gov

OFFICE OF CIVIL RIGHTS' GRIEVANCE PROCEDURE

How to file a discrimination complaint with the Office for Civil Rights:

The Department of Health and Human Services (HHS) Office for Civil Rights (OCR) enforces certain Federal civil rights laws that protect the rights of all persons in the United States to receive health and human services without discrimination based on race, color, national origin, disability, age, and in some cases, sex and religion.

If you believe that you have been discriminated against because of your race, color, national origin, disability, age, sex or religion by a health care or human services provider (such as a hospital, nursing home, social service agency, etc.) or by a State or local government health or human services agency, you may file a complaint with the Office for Civil Rights (OCR). Complaints alleging discrimination based on disability by programs directly operated by HHS may also be filed with OCR. You may file a complaint for yourself or for someone else.

Complaints to the Office for Civil Rights should be filed in writing, either on paper or electronically. You can use OCR's Discrimination Complaint Form; your complaint should include the following information:

Your name, address and telephone number.

If you are filing a complaint for someone else, include that person's name, address and telephone number.

The name and address of the organization or person you believe discriminated against you.

How, why and when you believe you (or the person on whose behalf you are filing the complaint) were discriminated against.

Any other information that would help OCR understand your complaint.

You must file your complaint within 180 days of the date when the discrimination happened. OCR may extend the 180-day period if you can show "good cause."

You can file your complaint by email at OCRcomplaint@hhs.gov, or you can mail or fax your complaint to the OCR Regional Office that is responsible for the state in which you allege the discrimination took place:

Office for Civil Rights - Region IX - CA U.S. Department of Health & Human Services
50 United Nations Plaza - Room 322 San Francisco, CA 94102 (415) 437-8310; (415)
437-8311 (TDD); (415) 437-8329 FAX

**MORE INFORMATION ABOUT HOW TO GET A COPY OF OCR'S DISCRIMINATION
COMPLAINT FORM**

Option 1: Complete the Discrimination Complaint Form, which is located on page 49. Return the completed complaint to the appropriate OCR Regional Office by mail or fax.

Option 2: Go the following website: <http://www.hhs.gov/ocr>

Download the Discrimination Complaint Form in Microsoft Word format to your own computer; fill out and save the form using Microsoft Word. Use the Tab and Shift/Tab on your keyboard to move from field to field in the form. Then, you can either: (a) print the completed form and mail or fax it to the appropriate OCR Regional Office; or (b) email the form to OCR at OCRComplaint@hhs.gov.

If you have any questions, or need help to file your complaint, call OCR (toll-free) at 1-800-368-1019 (voice) or 1-800-537-7697 (TDD). You may also send an email to OCRMail@hhs.gov.

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE FOR CIVIL RIGHTS (OCR)
DISCRIMINATION COMPLAINT

**If you have questions about this form, call OCR (toll-free) at:
1-800-368-1019 (any language) or 1-800-537-7697 (TDD)**

YOUR FIRST NAME		YOUR LAST NAME	
HOME PHONE ()		WORK PHONE ()	
STREET ADDRESS		CITY	
STATE	ZIP	E-MAIL ADDRESS <i>(If available)</i>	

Are you filing this complaint for someone else? Yes No

If Yes, against whom do you believe the discrimination was directed?

FIRST NAME	LAST NAME
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I believe that I have been (or someone else has been) discriminated against on the basis of:

Race / Color / National Origin Age Religion Gender *(Male/Female)*
Disability Other *(specify):* _____

Who do you think discriminated against you (or someone else)?

PERSON/AGENCY/ORGANIZATION

STREET ADDRESS		CITY	
STATE	ZIP	PHONE ()	

When do you believe that the discrimination took place?

LIST DATE(S)

Describe briefly what happened. How and why do you believe you (or someone else) were discriminated against? Please be as specific as possible. *(Attach additional pages as needed)*

Please sign and date this complaint.

SIGNATURE	DATE
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49 Filing a complaint with OCR is voluntary. However, without the information requested above, OCR may be unable to proceed with your complaint. We collect this information under authority of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 and other civil rights statutes. We will use the information you provide to determine if we have jurisdiction and, if so, how we will process your complaint. Information submitted on this form is treated confidentially and is protected under the provisions of the Privacy Act of 1974. Names or other identifying information about individuals are disclosed when it is necessary for investigation of possible discrimination, for internal systems operations, or for routine uses, which include disclosure of information outside the Department for purposes associated with civil rights compliance and as permitted by law. It is illegal for a recipient of Federal financial assistance from Health and Human Services (HHS) to intimidate, threaten, coerce, or discriminate or retaliate against you for filing this complaint or for taking any other action to enforce your rights under Federal civil rights laws. You are not required to use this form. You also may write a letter or submit a complaint electronically with the same information. To submit an electronic complaint, go to our web site at: www.hhs.gov/ocr/discrimhowtofile.html. To mail a complaint see reverse page for OCR Regional addresses.

