

Brigham Young University–Hawaii

Disability Services

Student Handbook

Brigham Young University–Hawaii

Disability Services

BYU–Hawaii #1837

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Introduction and Purpose

The BYU–Hawaii Student Handbook is a resource for students, prospective students, parents, faculty, staff, and other stakeholders regarding Disability Services.

The university is mandated by Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (as amended in 2008), and University policy, to provide appropriate and reasonable accommodations to students who qualify for services through Disability Services.

BYU–Hawaii Disability Services evaluates disability documentation, determines eligibility, and implements reasonable accommodations for enrolled students.

The law does not require Brigham Young University–Hawaii to lower its academic standards or alter the essential elements of courses and programs to accommodate students with disabilities. The intent of the law and purpose of academic accommodations is to provide an equal opportunity for students with disabilities.

Section 504 of the Rehabilitation Act of 1973 defines disability as a physical or mental impairment that substantially limits one or more major life activities. Examples of major life activities include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, sitting, standing, lifting, and mental and emotional processes such as thinking, concentrating, and interacting with others. The determination of whether an impairment substantially limits a major life activity depends on the nature and severity of the impairment, the duration or expected duration of the impairment, and the permanent or long-term impact of the impairment.

Stewardship Statement

Disability Services is dedicated to assisting students with disabilities by providing opportunities for success and equal access at Brigham Young University–Hawaii. We are committed to coordinating reasonable accommodations as outlined by Federal and State laws. We also strive to create an inclusive, safe and respectful environment by promoting awareness, knowledge and equity. We aspire to impact positive change within individuals and the campus community.

Service Goals

1. Provide appropriate and reasonable accommodations to eligible students by meeting Federal and State mandates on disability.
2. Promote opportunities for success and equal access through outreach, education, and increasing awareness.
3. Actively implement and utilize technology that improves our ability to assist students with disabilities.

4. Maintain current policies and procedures for Disability Services.

Applying for Services and Accommodations (Process, Documentation, and Eligibility)

Process

BYU–Hawaii students experiencing difficulties as a result of a disability should contact Disability Services to request assistance. The following is an overview of the process for students to apply for accommodations at Brigham Young University–Hawaii:

1. Be admitted as a student to BYUH.
2. Read and sign **the Statement of Informed Consent**.
3. Meet with a Disability Coordinator to complete a consultation. Call Disability Services at (808) 675-3518 to make an appointment.
4. Complete and submit **disability verification documentation**. Documentation must be dated within three years. Email documents to disabilityservices@byuh.edu or fax to 808-675-3440.
5. If found eligible, meet with a Disability Coordinator to complete the process for receiving accommodation. Letters of Accommodation will be sent within two weeks of confirmed eligibility.
6. If found ineligible, meet with a Disability Coordinator to discuss further appropriate ways to meet needs.

Documentation and Eligibility

In order to qualify for accommodations, Disability Services requires documentation that substantiates the presence of a disability, indicates the impact on one or more major life activities, and demonstrates functional limitations of the condition. Documentation must be dated within three years. Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (as amended in 2008) allows for universities to set reasonable standards for documentation, and these standards may vary from student to student. The documentation required establishes eligibility for services and is used for determining reasonable accommodations.

Eligibility is determined based on the current documentation provided. The Disability Coordinator will review the information to determine both eligibility and appropriate accommodations.

Verification documentation should be current and follow the guidelines below. BYU–Hawaii **verification forms** may also be used.

- Be on official letterhead from a professional which includes their credentials and qualifications.
- Documentation must be dated within three years.
- Contain a clear statement of the diagnosis.
- Include the history and prognosis of the condition(s).
- Focus on the current impact and functional limitations of the disability on major life activities.
- Discuss recommended accommodations and their connection to the limitations of the disability.
- If available, provide assessment reports used in making the diagnosis, including the psycho-educational or neuropsychological evaluations conducted.

Rights, Responsibilities, and Expectations

Student with a disability has:

- The responsibility to identify himself or herself as having a disability, request accommodations, and provide documentation to Disability Services.
- The responsibility to maintain the same **academic and behavioral standards** as all students at the university.
- The responsibility to meet with and maintain contact with the Disability Coordinator to assist in implementing accommodations.
- The responsibility to follow Disability Services policies and procedures associated with each accommodation.
- The right to participate in the university experience without fear of or experiencing discrimination due to a disability.
- The right to reasonable and appropriate accommodations to ensure equal access to programs, services, and activities.

Brigham Young University–Hawaii Disability Services has:

- The responsibility to provide information about services and accommodations available to students with disabilities, and the procedures to request services.

- The responsibility to set criteria for disability documentation and to evaluate that documentation in a consistent and fair manner.
- The right and responsibility to determine reasonable and appropriate accommodations based upon the limitation of a student's disability.
- The right to deny a request for accommodation if the student's documentation indicates no modification or accommodation is necessary, if the student fails to provide appropriate documentation, or if the request is determined unreasonable or imposes an undue hardship on the University.
- The responsibility to work with the student, staff, and faculty to ensure that approved accommodations are implemented in a timely manner.
- The responsibility to ensure its programs, activities and facilities are accessible.

Faculty at Brigham Young University–Hawaii have:

- The right to ask for verification from Disability Services when the student requests an accommodation in their course or program.
- The responsibility to inform the student of the procedure to request accommodations.
- The responsibility to maintain confidentiality about any information disclosed in discussions with the student or the Disability Coordinator.
- The right to consult with Disability Services to discuss requested accommodations.
- The responsibility to provide accommodations in a timely manner once they have been verified by Disability Services.
- The responsibility to inform students that course material may be made available in an alternative format with prior request.
- The right and responsibility to identify and determine the abilities, skills and knowledge that are essential and fundamental to academic programs. (These standards are not subject to modification based upon disability.)
- The right to expect the student with a disability to meet the same academic and behavior standards as peers in the course.
- Faculty are not entitled to know the diagnosis of a student and should not ask students to disclose the specifics of their disability.
- Faculty are not permitted to deny an approved accommodation issued by Disability Services without engaging with the Disability Coordinator to discuss their concerns. For more information regarding 504/ADA policy at Brigham Young University–Hawaii.

Privacy and Confidentiality (FERPA)

Brigham Young University–Hawaii follows the guidelines for confidentiality and security of documentation outlined by the Family Educational Rights and Privacy Act (FERPA).

Disability Services is authorized to maintain student disability records. Once documentation pertaining to a student's disability is provided to the Disability Services, it is considered part of the student's educational record and covered by the regulations of FERPA.

The documentation contained within a student's file at Disability Services is held confidential and is not released except upon written request of the student, when disclosure is required by law, or when it is necessary to facilitate legitimate educational purposes.

The university has established procedures for granting a student's request for access to his/her records. The record may be made available forty-five (45) days after a written request for the records have been made.

Accommodations and Services

The following are some of the accommodations approved for students with a disability at Brigham Young University–Hawaii. The specific accommodations for which a student will be approved depends upon the documentation provided, the essential elements of the courses or programs, and the functional limitations created by the student's disability. (The following is not intended as an exhaustive list.)

Accommodations

Adaptive Technology, Equipment, Classroom Furniture – For some students with disabilities, adaptive technology, accessible tables or other furniture can be available.

Attendance Policies – Attendance in class is expected for students participating in the university experience. Departments and professors establish attendance policies for specific courses, and students are responsible for adhering to individual class policies. If a student's condition directly impacts their ability to attend class on a periodic basis, some flexibility might be necessary and appropriate. In these cases, and taking into account the course requirements, the student, Disability Coordinator and faculty should work together to determine if there would be a reasonable accommodation to the course policies. If a student's attendance suffers significantly due to the disability, the Disability Coordinator may assist them in discussing options with the instructor which might include requesting an Incomplete or petitioning for a late withdrawal from the course.

Classroom Readers, and Scribes – A Student may be approved for the use of a reader or scribe in the classroom to aid with tasks that are significantly impacted by a student's condition. This accommodation is dependent upon the student's limitations and the course requirements. (Note: Classroom readers or scribes are not employed to act as personal tutors inside or outside the classroom setting.)

Classroom Changes – Classroom locations may be moved to ensure all programs and activities are accessible. In order to make the necessary adjustments to classrooms, we require reasonable prior notice as far in advance as possible. Students are also encouraged to look at options including enrolling in alternative sections of the course before requesting that a class be moved. Essential elements and the nature of the course will be considered before a request to move a class is deemed appropriate. Due to

equipment, technology and pedagogical needs, it may not be feasible or appropriate to move some class locations.

Testing Accommodations – Exam accommodations vary depending upon the impact of a student’s disability and the essential elements of the course, but can include extended time, a reduced distraction location such as a private room, the use of a reader and/or scribe, the use of a computer or assistive technology, additional rest breaks, etc.

Flexibility with Deadlines and Due Dates – Depending upon the impact of a student’s disability, an appropriate accommodation may be to allow for extended time to complete and turn in assignments, papers, or projects. The amount of extended time would be based upon an exacerbation of a student’s disability or if the assignment has a quick turnaround time. The student should discuss this with the faculty to come to an agreeable timeline. Students should not assume that their disability automatically permits them to hand in assignments after the due dates or not be penalized for late submissions.

Interpreting and Captioning Services – Sign Language Interpreting will be provided upon eligibility. In consultation with the student, a determination is made by Disability Coordinator for ensuring equal access for deaf or hard of hearing students pertaining to all course-related activities (class sessions, meetings with faculty, or required attendance at out-of-class activities). Requests for semester long classes should be made as far in advance as possible prior to the beginning of the semester to ensure the availability of interpreters and captioning services.

Materials in an Alternative Format – For qualified students, Disability Services will assist in making books and course materials accessible. Disability Services will work with the student to determine the most effective and reasonable method for providing information in an alternative format. Possibilities include books in an audio format, electronic books, screen and text recognition software and enlarged text.

Audio Recording of Classes – Students may be authorized to audio record lectures through the use of digital recording devices or smart pen technology. Permission to record should be discussed with the faculty of the course.

Parking – Accessible parking locations can be found throughout campus to drivers with disabilities. A State parking permit will allow the owner of the permit to park in accessible parking stalls or contact Disability Services for information to obtain a permit to park in the handicap stalls.

Service and Emotional Support Animals – Service animals (as defined by the ADA) are welcome on campus and in student housing. Emotional support animals must be approved as an accommodation for campus housing and are not allowed in other areas of campus where pets are normally prohibited.

Please submit a Request for Emotional Support Animal or Request for Service Animal (link to ESA/SA request form). All animals on campus must be under the control of their owner at all times. Animals may be excluded if they pose a direct threat to the health or safety of others. Refer to the Campus policy regarding animal control.

Services

Academic Advising and Center for Academic Success staff are the primary contact for academic advising at Brigham Young University–Hawaii. However, the Disability Coordinator is available to assist students and departments in understanding how disability may impact a student’s schedule and academic plan.

Services Not Offered

The following are services which are not offered by Disability Services:

Changes to Essential Program and Course Elements - The law does not require the University to lower its academic standards or to alter the essential elements of courses and programs to accommodate students with disabilities. The intent of the law and purpose of academic accommodations is to provide an equal opportunity for students with disabilities.

Diagnostic Services – Disability Services does not screen or diagnose disabilities. It is the student’s responsibility to assume all costs associated with obtaining an adequate diagnosis and current documentation of a disability.

Personal Aids and Equipment – Brigham Young University–Hawaii is not required to provide personal attendants, bathroom assistance, individually prescribed devices, readers for personal use or study, devices of a personal nature, equipment including tape recorders, CD/MP3 players, hearing aids, computers, and specialized software. It is a student’s responsibility to procure these services or equipment.

Tutoring – Since tutoring is considered a personal aid, the Disability Services does not offer this as an accommodation. However, the university as a whole offers a number of free tutoring resources. Please work with your Disability Coordinator to take advantage of these resources.

Temporary Medical Conditions

Temporary medical conditions that are expected to be resolved in a matter of a few days, weeks, or months (e.g. a broken arm or leg, common cold or flu, etc.) are typically not covered by the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act of 1973. When a student experiences a temporary condition, they are encouraged to work with the instructors to seek flexibility and to make arrangements for assistance. However, students are welcome to discuss with the Disability Coordinator on exploring various options.

Transition to College

The differences in the application and implementation of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act are significant when comparing the secondary (elementary, junior high

school, and high school) and postsecondary (college and university) settings. It is essential for new students coming to the university to understand the differences.

At the secondary level, school districts are required to provide a Free and Appropriate Public Education (FAPE) to all children, including those with disabilities. School districts are also expected to identify student's educational needs and provide any general or special education services necessary to meet those needs. Additionally, under the Individuals with Disabilities Education Act (IDEA), a student's Individualized Education Program (IEP) can be significantly modified to meet the educational and academic standards and content of courses in moving a student towards graduation. The focus of the law at the secondary level is on ensuring student success.

At the postsecondary level, colleges and universities are not required to provide FAPE and IDEA does not directly apply, hence neither an IEP nor 504 Plan are used. Instead, the focus of the law is on ensuring equal access and opportunity by providing reasonable and appropriate accommodations. Colleges and universities are not required to lower standards or change the essential elements of programs or courses. For example, an appropriate accommodation at the university level might be to allow extended time for a student to take an exam, but it would not be appropriate to change the type or format of an exam.

A valuable resource available to students to assist in understanding the differences between the secondary and postsecondary level is a publication by the U.S. Department of Education, Office of Civil Rights, entitled "Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities." It is available online at <http://www2.ed.gov/about/offices/list/ocr/transition.html>

Admission to the University

The admissions requirements and standards apply to all prospective students who apply to Brigham Young University–Hawaii, regardless of ability or disability. Those requirements may change from year to year and students who do not meet the requirements are encouraged to contact the admissions office to inquire about alternative admission options. Brigham Young University–Hawaii does not make pre-admission inquiries regarding disability and must not deny admission on the basis of disability.

Grievance Procedures

Brigham Young University–Hawaii encourages an informal resolution of problems or grievances. For a prompt and equitable resolution of complaints alleging discrimination based on disability in any of the University's programs, a person may submit a report of discrimination to the Disability Coordinator, Leilani Auna, at disabilityservices@byuh.edu located in McKay 181, 808-675-3518. If they are an employee, they may submit a report to the Human Resources Employee Relations and Policy Manager, Taliana Pasi, at taliana.pasi@byuh.edu or 808-675-3492. They may also go to www.byuh.edu webpage and click on Report A Concern under Disability.

A report of discrimination can be made verbally or in writing.

Filing a complaint and grieving a decision may be filed by following the BYU–Hawaii Discrimination Complaint Procedure.