

DES MOINES AREA COMMUNITY COLLEGE  
EDUCATIONAL SERVICES PROCEDURES

Section: STUDENT RIGHTS, APPEALS AND FERPA  
Subject: Disability Services  
Effective Date: July 1, 2020  
Number: ES 4610

I. Institutional Regulations

The College shall ensure that programs, services, and facilities are accessible to otherwise qualified individuals with disabilities; that discrimination based on disability is prohibited; that the standard for individuals with disabilities in programs, services, and facilities usage is equal access; that the college provides reasonable accommodation to ensure equal treatment unless such accommodation would cause a fundamental alteration that would eliminate or substantially modify a program(s) or other College requirements or pose an undue hardship; and that review of accommodation requests, fundamental alteration, or undue hardship is reviewed and assessed by a case-by-case standard.

II. Procedure

The procedures contained herein are not exclusive of other education related standards that the College, in its discretion, may make as permitted or required by local, state, or federal law and in conformance with the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act (ADA), and the Fair Housing Act.

The procedures do not invalidate or limit the remedies, rights, and procedures of any other Federal laws, or State or local laws (including State common law) that provide greater or equal protection for the rights of individuals with disabilities or individuals associated with individuals with disabilities.

A. Definitions

1. *Compliance with the ADA.* Title II of the ADA requires that qualified individuals with disabilities, including students, applicants, and other program participants, are not excluded from nor denied the benefits of services, programs, or activities of a public entity, or otherwise subjected to discrimination by a public entity, by reason of disability. Educational opportunities, such as the benefits of services, programs or activities, will not be denied to otherwise qualified applicants for admission or students with disabilities because of the need, when requested by an otherwise qualified applicant for admission or student with a disability (student), to make reasonable accommodation for disabilities as defined by law.
2. *Applicant for Admission or Student with a Disability* is a person who:
  - a. has a physical or mental disability which substantially limits one or more major life activities,
  - b. or has a record of such a disability,
  - c. or is regarded as having such a disability,
  - d. or has a disability that is temporary, episodic, or in remission that would substantially limit a major life activity when active.
3. *Physical or Mental Disability*
  - a. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems.
  - b. Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and learning disabilities, which includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.
4. *Major Life Activities* include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, writing, communicating, interacting with others, and working. *Major Life Activities* also include the operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular; endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.
5. *Otherwise Qualified Applicant for Admission or Student with a Disability* is an individual with a disability who, with or without reasonable accommodation, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity. An individual with a disability is not considered eligible if they pose a direct threat to the safety of the college or to others. Essential eligibility and

other determinations are reviewed on a case-by-case basis and are only determined by the College after thoughtful review.

6. *Documentation of a Disability*. The College considers documentation a written, qualified professional evaluation, which identifies a disability that substantially limits a major life area, for the expressed outcome of determining appropriate and reasonable accommodations. The documentation should identify the disability, its effects on learning and academic performance, and the types of accommodations recommended. The College also considers as documentation written information of past accommodations received in similar situations. In cases where the documentation does not support the requested accommodation(s), the College may request further substantiating documentation.
  7. *Reasonable Accommodation* means modifying or adjusting, in response to a request by an otherwise qualified applicant for admission or student with a disability, practices, policies, procedures, courses, services or activities; and/or providing auxiliary aids and services, as needed, to ensure non-discrimination and equal access for students with disabilities.
  8. *Reasonable* means accommodations that as applied do not fundamentally or substantially alter programs or other aspects of the College, pose an undue hardship, or pose a direct threat to the safety of the College or to others. Reasonable is determined by thoughtful review by the Disability Services Coordinator and other DMACC staff and faculty, as determined by the Disability Services Coordinator.
  9. *Case-by-case* means determination of a disability and accommodations are reviewed per applicant and applied based on a thoughtful, structured review process by the DMACC Disability Services Coordinator.
  10. *Thoughtful Review by the Disability Services Coordinator* includes a thorough review of the program requirements, student disability documentation, accommodations, and discussion with the student and appropriate deans/provosts, faculty and other staff, as needed, to make a best practice reasonable determination and afford the student due process when needed.
  11. The *Disability Services Coordinator* grants accommodations college wide. The *ADA/Section 504 Coordinator* is the Director of Academic Support Services or their designee. The EEO/AA officer will review any accommodation appeals for Civil Rights violations. Each campus will have a designated *Disability Services Liaison* to ensure implementation of accommodations as approved by the Disability Services Coordinator.
  12. *Fundamental Alteration* means that an accommodation or modification as applied would create a change that is so significant that it would substantially alter the essential nature of the program, course, exam, clinical setting, services, or facilities. Fundamental alteration is evaluated through thoughtful review by the Disability Services Coordinator.
  13. *Service Animal* is defined as a dog or in some exceptions a miniature horse that has been individually trained to provide a task or tasks for a person with a disability. A service animal is individually trained to do specific work or perform tasks for the benefit of a person with a disability. The specific work or task performed by the service animal for the benefit to the individual is to be directly related to the individual's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.
  14. *Emotional Support Animal* is defined as any animal providing well-being or comfort that eases one or more identified symptoms or effects of a disability. Emotional support animals are not service animals unless they have been specifically trained to work or perform a task for a person with a disability (see information about service animals). Emotional support animals are not simply pets.
- B. Process
1. Requests for reasonable accommodation will be evaluated and determination made by the Disability Services Coordinator or their designee on a case-by-case basis, with due regard for granting accommodations to applicants for admission or students with disabilities, based on the following factors:
    - a. the academic and technical standards required for admission or participation in an educational program or service,
    - b. the purpose and nature of the program, course, and/or services,
    - c. how the disability affects educational-related activities of the applicant for admission or student with a disability and how those affects could be addressed with reasonable accommodation,
    - d. the information provided by the qualified applicant for admission or student with a disability in the form of documentation of a disability and recommendations provided within the documentation regarding the nature of the disability and recommended accommodations,
    - e. the nature and cost of the accommodation(s) required in relation to the College's financial resources,
    - f. the consequences of such accommodations upon the operation and educational mission of the College, course, program, service and/or activity,
    - g. and/or other federal, state and local regulatory requirements.
  2. The College is not required to offer or provide an accommodation to admit or to continue to admit an individual with a disability to any particular program, course, service, and/or activity or to provide educational opportunities and other services when:
    - a. the requested accommodation(s) would substantially alter the educational standards or mission of the College,
    - b. the requested accommodation(s) would fundamentally alter the nature of the program, course, service and/or activity; or the requested accommodation negates requirements for successful completion of a program, course, service or activity,
    - c. the applicant for admission or student with a disability is not otherwise qualified to meet the academic and technical standards required for admission or participation in an educational program, course, service

- and/or activity with or without reasonable accommodation as determined by the Disability Services Coordinator after a thoughtful, structured review involving other college personnel, as needed,
- d. the requested accommodation(s) would cause an undue financial hardship on the College considered in light of the full financial and administrative resources of the college,
  - e. the applicant for admission or student with a disability would pose a direct threat to the health or safety of themselves or others,
  - f. the requested accommodation negates requirements for successful completion of a program, course, service and/or activity,
  - g. the applicant for admission or student with a disability with or without accommodations does not adhere to commonly accepted standards of behavior or safety or College requirements for student conduct, as defined in ES 4630. Support and appropriate accommodations will be provided for any due process hearings.
3. If the academic, technical or other standards required for admission or participation in an educational program, course, service and/or activity are changed, the conditions and procedures herein shall apply to:
    - a. any evaluation of the ability to perform the requirements by an applicant for admission or the student with a disability as applied to all students,
    - b. the College's determination by a thoughtful review process of whether it is reasonable to grant accommodation(s) requested in consequence of such changed requirements.
  4. Other Service Provisions
    - a. A student with a disability who requires attendant care services is to make arrangements to provide for their own attendant care service. Personal attendant care services are not provided by the College.
    - b. The College does not assume coordination or financial responsibilities for attendant care services.
    - c. The College does not provide individually prescribed devices, readers for personal use, tutors, or other devices or services of a personal nature or otherwise.
    - d. The College does not provide transportation beyond accessible transportation available for all DMACC students.
    - e. The College may request medical documentation to ensure a safe environment for a student with a disability, as long as the safe environment standard is applied to all DMACC students in the same situation.
  5. Applications for Accommodation:
    - a. To request accommodation(s), a student must submit an Application for Accommodation (Form ES4610 Application for Accommodation available on the DMACC Forms page) to the Disability Services Coordinator:
      - i. specifying the nature of the disability,
      - ii. specifying how the disability affects their daily life with regard to academics,
      - iii. specifying the requested accommodation(s), and
      - iv. submitting current professional evidence documenting the disability, which verifies the applicants need for the specific accommodation(s) requested.
    - b. If the applicant for admission or student with a disability requires assistance in preparing the application form due to their disability, this will be provided upon request to the Disability Services Coordinator.
    - c. Accommodations are developed after the student has supplied all information and the documentation specified in 5a.
    - d. The Application for Accommodation(s) should be completed before the beginning of the semester, or as early in the semester as possible, to allow sufficient time to develop and implement accommodations, as will be useful to the applicant for admission or student with a disability.
    - e. Request for accommodation(s) will be accepted at any time within the semester and will be addressed within 10 business days or such longer period of time as is reasonably necessary to complete the review.
    - f. Granted accommodations will not be retroactive, but will begin once the instructor receives notice of accommodation via an instructor letter provided by the Disability Services office and given to the instructor by the student or delivered by the Disability Services office.
  6. Decisions on Applications for Accommodations:
    - a. Upon receipt of a completed application and documentation, the Disability Services Coordinator, individually or in consultation with appropriate deans/provosts, instructors, and medical or other personnel retained by the College, and after consultation with the applicant for admission or student with a disability and the Disability Education and Awareness Committee (DEAC) to the extent deemed necessary or appropriate by the Disability Services Coordinator, shall make a determination regarding the requested accommodation(s). Granted accommodation(s) shall be reviewed by the ADA/Section 504 Coordinator.
    - b. Said determination shall be made within ten (10) working days upon receipt of the application and documentation or such longer period of time as is reasonably necessary to complete the review.
    - c. An accommodation plan in the form of granted accommodation(s) will be communicated in writing or some other form appropriate to the applicant for admission or student with a disability.
    - d. If accommodations are determined not appropriate after review by the AAO, the Disability Services Coordinator will meet with the applicant for admission or student with a disability to further discuss alternative accommodations or provide due process through an the appeal process.

- e. If accommodation(s) are granted, the Disability Services Coordinator, individually or in concert with other College personnel, shall develop and provide to the applicant for admission or student with a disability the written accommodation plan, of which a copy shall be maintained in a file which will be treated as confidential student information.
  - f. The student with a disability shall be obligated to share a copy of this plan with appropriate College personnel who must necessarily be involved in implementation of the plan.
  - g. If an otherwise qualified applicant for admission or student with a disability fails to request accommodations or use granted accommodations, the College shall not be held accountable under this procedure.
7. Renewal of Accommodations
- a. Students are to submit their class schedules to the Disability Services office on the relevant campus each semester to receive accommodation letters to be given to their instructors. Submission of the instructor letter by the student to their instructor initiates the accommodation process for the semester.
  - b. Students are responsible for communicating concerns regarding accommodations to the Disability Services Coordinator or Campus Liaison in a timely manner.
  - c. If a student with a disability fails to renew accommodations or provide written notice of their accommodation plan to their instructor(s), the College shall not be held accountable under this procedure.
8. Auxiliary Aids and Services. The following list of auxiliary aids and services is not considered by the College to be an exhaustive list.
- a. Sign Language Interpreters. The college will provide sign language interpreters and other services as needed to ensure equal access.
  - b. Notetaking Services will be provided through volunteer student note takers.
  - c. Testing accommodations will be provided for College course exams. Some certification exams through the College may require approval through the testing company.
  - d. Textbook Services. Documentation is required to support the request for textbooks in an alternate format. Students are to meet with staff and provide receipt of purchase of all textbooks to be reproduced in a digital format or other format to initiate textbook services.
  - e. Requests for excused absences; requests for extended time on tests beyond double time; requests for extra time for projects, homework, or written work; and accommodations within clinical, lab, or manufacturing settings will be considered on a case-by-case basis. The college may within its purview request extra review and documentation for these accommodation requests.
9. Confidentiality
- a. All student application information and documentation will be kept in a secured file.
  - b. All disability related information regarding a student with a disability will be held in confidence within the Disability Services staff community and will not be released without the student's informed and written consent as per the Family Education Rights and Privacy Act (FERPA) or as otherwise permitted by law.
  - c. Only information regarding granted accommodations will be shared with instructors or other college personnel based on legitimate academic, college interests.
10. Service Animals
- a. Students with disabilities shall be permitted to be accompanied by their service animals in all areas where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go. Concerns about the safety of the service animal in a particular program of study or situation will be addressed on a case-by-case basis.
  - b. The Americans with Disabilities Act (ADA) under Titles II and III defines service animals as dogs and in some exceptions miniature horses. A service animal is individually trained to do specific work or perform tasks for the benefit of a person with a disability. The specific work or task performed by the service animal for the benefit to the individual is to be directly related to the individual's disability.
  - c. *Inquiries.* The College will not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. The College may ask (1) if the animal is required because of a disability and (2) what work or task the animal has been trained to perform. These inquiries should not be made about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability). Documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, will not be required.
  - d. A service animal is to be under the control of its handler and supervised by the handler at all times. A service animal is to have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
  - e. Exceptions. The College may ask a student with a disability to remove a service animal from the premises if (1) The animal is out of control and the animal's handler does not take effective action to control it; or (2) The animal is not housebroken. The Disability Services Coordinator is to be contacted in these instances when a service animal is not under the control of their handler and/or has been asked to leave the premises or in other circumstances where an animal is disruptive to the normal operation of the college.
  - f. If the College properly excludes a service animal, it will give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.

- g. The College is not responsible for the care or supervision of a service animal. Service animal feces must be disposed of properly. Students must remove feces from property grounds, dispose in a plastic bag, and then place that bag in an outside garbage container. Clean-up must occur immediately.
  - h. If the College has a procedure to charge students for damages they cause to the College, a student with a disability may be charged for damages caused by their service animal.
11. Comfort/Emotional Support Animals (DMACC Residence Halls at Boone and Carroll)
- a. An emotional support animal is defined as any animal providing well-being or comfort that eases one or more identified symptoms or effects of a disability. Emotional support animals are not considered service animals under the ADA unless they have been specifically trained to work or perform a task for a person with a disability (see information about service animals). Emotional support animals are not simply pets, and the student owner needs to document a disability-related need that is met by the animal.
  - b. Emotional support animals are restricted to residential areas on the Boone and Carroll campuses and are not otherwise permitted -in college buildings.
  - c. Emotional support animals may accompany their student owners to any location within the student owner's assigned residence to which the student owner has access.
  - d. Only one emotional support animal will be generally permitted per student resident and generally only one emotional support animal will be assigned per housing unit unless otherwise determined through thoughtful review by the Disability Services Coordinator
  - e. Students may request emotional support animals in their residences by completing and submitting the following documentation prior to bringing the animal into the residence:
    - i. A completed *Animal in Residence Agreement Form* (located on the DMACC Forms page) with a clear and recent photograph of the animal. The form and picture are to be updated annually.
    - ii. Written verification from a licensed veterinarian that the animal has current and necessary vaccinations.
    - iii. Written information from a licensed or verifiable professional indicating that the student has a disability that is mitigated by the use of an emotional support animal.
    - iv. A letter of written notification to be sent to any current roommates, as provided by the College.
  - f. Requests will be accepted at any time within the semester and will be addressed within 10 working days upon receipt of all necessary documentation or such longer period of time as is reasonably necessary to complete the review. The College reserves the right to request further veterinarian information, if needed.
  - g. Student owners and their emotional support/comfort animals will be held to the following standards:
    - i. Students are to abide by current city, county and state laws and/or regulations pertaining to licensing, vaccination, and other requirements for animals.
    - ii. Students are to ensure that their animal has current identification and vaccination tags, including a current rabies tag, if legally required by state law.
    - iii. Students must maintain control of their animals at all times. The animal shall not be permitted to run at large.
    - iv. All animals must be restrained on a leash or in a carrier/crate, and in the presence of the student whenever the animal is outside of the student's on-campus housing. Animals found at large may be subject to capture and confinement.
    - v. The student is required to ensure the animal is cared for. Any evidence of mistreatment or abuse will be investigated.
    - vi. Roommates are not responsible for the care or maintenance of the animal. Animals may not be left in housing overnight to be cared for by an individual other than the student owner. If the student owner is to be absent from their residence overnight or longer, the student must take the animal with them. When absent from residence for short periods, such as class, the animal should be kept in the student's assigned bedroom. If the student is in a shared bedroom the animal must be kept in a carrier/crate.
    - vii. Students are responsible for noise control as it concerns their animal. Animals that are disruptively noisy are subject to the housing noise policy.
    - viii. Students are responsible for ensuring their animals are house trained prior to bringing the animals into the residence.
    - ix. Animal feces must be disposed of properly. Students must remove feces from property grounds, dispose of it in a plastic bag, and then place that bag in an outside garbage dumpster. Clean-up must occur immediately. Cat litter, small animal bedding, etc., must be bagged and disposed of in an outside garbage dumpster. Fines may apply if the student owner does not properly dispose of animal waste, per housing policy.
    - x. The student will take all reasonable precautions to protect College property and the residents of student housing. All liability for actions of the animal (bites, scratches, damages to property, nuisance barking, etc.) is the responsibility of the student owner. If an animal attacks/bites or is determined by investigation to be dangerous, abandoned, neglected, or a nuisance, the animal is subject to immediate review.
    - xi. Residential laundry rooms are not be used for cleaning animal bedding.
    - xii. The College maintains the right to conduct inspections in the residence for fleas, ticks, or other pests. If any are found, the space will be treated at the student's expense using approved fumigation series by a College approved pest control service. The student owner will be required to remove the animal

from the residence and will not be permitted to bring the animal back until such time that they have submitted written verification that the animal has been treated and is pest free.

- xiii. The College maintains the right to conduct inspections in the residence based on a general complaint of an odor in the residence, per housing policy.
- xiv. The student owner will be responsible for any damage caused by the animal to College property, per housing policy. Any charges related to damage by the animal will be applied to the student owner's bill (see transcript policy).
- xv. Emergency removal from housing as determined by individualized assessment/review may result in the animal being sent to the local shelter.
- xvi. Student owners may contest actions or charges by completing the Appeal of Accommodation Decision form.

C. Due Process and Appeal

- 1. An applicant for admission or student with a disability who wishes to appeal a decision regarding accommodations or other actions by the College shall first, within ten (10) working days of notice of the decision, request a meeting with the Disability Services Coordinator, who upon receiving such a request shall arrange for the presence at the meeting of such deans/provosts, instructors, administrators or other College personnel as the Disability Services Coordinator believes may be helpful in addressing the appeal, along with the ADA/Section 504 Coordinator, as needed.
- 2. Within two (2) working days after the meeting or such longer period of time as is reasonably necessary to complete the review, the Disability Services Coordinator shall inform the applicant for admission or student with a disability of their final decision.
- 3. Within fifteen (15) working days of notice of the Disability Services Coordinator's final decision, the applicant for admission or student with a disability may file a written appeal (*Appeal of Accommodations Form* located on the DMACC Forms page), to the College Affirmative Action Officer.
- 4. If the applicant for admission or student with a disability requires assistance in preparing the appeal form due to their disability, this will be provided upon request to the Disability Services Coordinator.
- 5. Within ten (10) working days of receiving the notice of appeal or such longer period of time as is reasonably necessary to complete the review, the College Affirmative Action Officer shall notify the applicant for admission or student with a disability of their decision which shall be final.

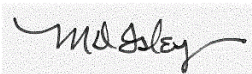
Forms are available on the DMACC Forms page:

Application for Accommodation ES4610 Form  
Appeal of Accommodation Decision ES4610 Form  
Animal in Residence Agreement ES4610 Form



APPROVED: \_\_\_\_\_  
Vice President, Enrollment Services & Student Success

Date: 7-1-20  
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Vice President, Academic Affairs

Date: 7-1-20  
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