

PROCESS FOR ACCESSING

ACADEMIC ADJUSTMENTS FOR

STUDENTS WITH DISABILITIES

ACCESS & DISABILITY SERVICES

237 W. Kellogg Road

Bellingham, WA 98226

360.383.3000

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# NOTICE OF NON-DISCRIMINATION

Whatcom Community College does not discriminate on the basis of race, color, national origin, religion, sex, disability, honorably discharged veteran or military status, sexual orientation, gender identity, gender presentation, ancestry, ethnicity, family status, immigration status, citizenship, socioeconomic status, genetic information or age in its programs and activities.

The notice of non-discrimination is available in the following languages:

* English
* Punjabi
* Russian
* Spanish

Whatcom Community College Access and Disability Services provides accommodation services to qualified students with documented disabilities in accordance with the[Americans with Disabilities Act (ADA)](http://www.ada.gov/)**,** the[Rehabilitation Act of 1973](https://www2.ed.gov/policy/speced/reg/narrative.html)and Washington State Law. Students may also contact the United States Department of Education Office of Civil Rights, or the Washington State Human Rights Commission.

* [Washington State Human Rights Commission](http://www.hum.wa.gov/)

711 S Capital Way, Suite 402

Olympia, WA 98504

800-233-3247

* [Office for Civil Rights](https://ocrcas.ed.gov/contact-ocr?field_state_value=639)

US Dept of Education

915 Second Avenue Room 3310

Seattle, WA 98174-1099

206-607-1600

[OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)

# II. PURPOSE

The Access & Disability Services (ADS) mission values the diversity students with disabilities bring to the Whatcom Community College (WCC) campus community. Through intentional programs, services and reasonable accommodations, ADS ensures students with disabilities equal access to Whatcom Community College and encourages the development of independence and self-advocacy skills while supporting the learning experience.

No student shall, on the basis of his or her disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any college program or activity. We cooperate through partnerships with students, faculty, staff, and outside agencies to promote student’s independence and to ensure recognition of their abilities, not disabilities, and to maintain compliance with the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and State of Washington Laws of 1994, Chapter 105.

Whatcom Community College is committed to providing services to qualified students with disabilities. The purpose of this document is to identify the rights and responsibilities of students under ADA/504 and to establish clear guidelines for seeking and receiving academic adjustments, auxiliary aids, and core services.

To receive academic adjustments and/or reasonable accommodations students are responsible for participating in the interactive process and providing documentation when requested regarding the diagnosis and functional limitations of their disability. Reasonable accommodations must be formally requested from the Access & Disability Services office. This procedure establishes the scope of and the process for requesting reasonable accommodations.

# III. SCOPE

WCC will make reasonable accommodations or academic adjustments to its academic requirements that are necessary to ensure that those requirements do not discriminate, or have the effect of discriminating, against a qualified student with a disability based on that disability, and do not impose an undue hardship on the college or require alteration of essential program requirements.

## Americans with Disabilities Act of 1990, as amended states:

No qualified individual with a disability shall, by reason of such disability, be excluded from the participation in or be denied the benefits of the services, programs or activities of any public entity, or be subject to discrimination by any such entity.

## Section 504 of the Rehabilitation Act states:

No otherwise qualified individual with a disability in the United States, as defined in Section 7(20) shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive Agency or by the United States Postal Service.

# IV. DEFINITIONS

"Academic adjustments" in college programs and services, are modifications of those programs, policies, practices, and procedures that enable qualified students with a disability to have an equal opportunity to benefit from and have access to college programs and services and the provision of auxiliary aids and services.

“Reasonable accommodations” are modifications or adjustments to the task, environment or to the way things are usually done that enable individuals with disabilities to have an equal opportunity to participate in an academic program or a job.

"Student" is a person who is enrolled or in the process of enrolling at WCC.

“Otherwise qualified” students meet the same academic requirements and standards of non-disabled students. These requirements and standards must be considered necessary to maintain the integrity of a course, program, or college policy. For example, if a program requires a 2.5 GPA to maintain eligibility, the student with a disability must meet those same standards. Students are also required to meet an instructor’s expectations for students regarding class participation, work standards, attendance, and ability to demonstrate acquired knowledge. Additionally, a “qualified student” is one whose disability continues to manifest functional limitations even with mitigating measures. Students need to qualify each quarter.

"Student with a disability" is a student who (1) has a physical, mental or sensory impairment that substantially limits one or more of their major life activities; (2) has a record of such an impairment or; (3) is perceived to have such an impairment, or a student who has an abnormal condition that is medically cognizable or diagnosable.

“Interactive process” is communication between student requesting accommodations/services and ADS staff to determine reasonable accommodations based on barriers the student is experiencing due to a disability.

"Undue hardship" is any excessively costly, extensive, substantial or disruptive modification or is one that would substantially alter the nature or operation of the institution or any of its programs or services, or threaten the health or safety of the college community.

"Program accessibility" means that all programs and services, when viewed in their entirety, are accessible to persons with a disability.

"Core Services" are those services listed in [State of Washington Laws RCW 28B.10.912](https://apps.leg.wa.gov/rcw/default.aspx?cite=28B.10.912#:~:text=Each%20institution%20of%20higher%20education,necessary%20to%20ensure%20equal%20access.) that are necessary to ensure students with disabilities are appropriately accommodated at the college.

"Course Substitution" is the replacement of a specific course required for a degree program with another course that measures comparable learning objectives and skills as the required course.

# V. OBLIGATIONS OF THE COLLEGE:

## AFFIRMATION OF INCLUSION

WCC is committed to maintaining an environment in which every member of the college community feels welcome to participate in the life of the college, free from harassment and discrimination. We welcome people of all races, ethnicities, national origins, religions, ages, genders, sexual orientations, marital status, veteran status, abilities, and disabilities. Toward that end, faculty, students, and staff will:

* Treat one another with respect and dignity;
* Promote a learning and working community that ensures social justice, understanding, civility, and non-violence in a safe and supportive climate
* Influence curriculum, teaching strategies, student services and personnel practices that facilitate sensitivity and openness to diverse ideas, people, and cultures in a creative safe and collegial environment.

## WCC shall also:

* Make available to all students’ information on the services available to students with disabilities, including the name and location of Access & Disability Services, and the process for accessing those services.
* Work with the student, faculty, and staff on a case-by-case basis, to assist with providing those accommodations and core services appropriate for each qualified student.
* Develop procedures to protect the confidentiality of information regarding the nature and extent of the documented disability.
* Maintain the academic integrity of its programs.
* Omit pre-admission inquiry as to whether the applicant has a disability, except as provided by law.

Request documentation from the student’s healthcare provider, or qualified professionals, to assist in identifying specific and/or academic adjustments, which may be appropriate, based on the nature and severity of the disability.

# VI. OBLIGATIONS AND RIGHTS OF STUDENTS

A student who seeks accommodations under this procedure is responsible for documenting the nature and extent of the disability. The college will work collaboratively with the student in determining reasonable accommodations.

To ensure accommodations are provided in a timely manner, the student shall provide timely notice and documentation of the nature and extent of the disability, engage in the interactive process, and make accommodations requests to the Access & Disability Services Office. Some accommodations require time to arrange, lack of advance notice may delay the availability or timeliness of some accommodations. Accommodations are not provided retroactively.

General guideline for time needed to arrange and provide accommodations:

* Readers / Scribes 1 week
* Interpreter/Transcription 2 weeks
* Alternate format Texts 1-3 weeks
* Braille Services 3 weeks
* Adaptive Equipment 1 quarter if purchasing is needed

When requested, students will provide additional documentation on the nature and extent of their disability to assist in determining reasonable accommodations. Such documentation may include, but is not limited to, identification of tests administered, test results including scores and subset scores, description of the covered disability, and recommended accommodations.

Students will participate in the interactive process with ADS to develop reasonable accommodations and academic adjustments.

Promptly notify ADS of any problems encountered in receiving the approved accommodations.

Maintain satisfactory academic progress. All students are subject to the [Academic Progress Policy](https://www.whatcom.edu/future-students/paying-for-college/exploring-financial-aid/satisfactory-academic-progress-policy) outlined in the Whatcom Community College website and catalog.

Abide by the [Student Code of Conduct policy](https://www.whatcom.edu/current-students/student-conduct/student-code-of-conduct).

# VII. OBLIGATIONS OF ACCESS & DISABILITY SERVICES

The ADS office is responsible for the coordination of services to qualified students with disabilities requiring academic adjustments.

All documentation is strictly confidential. In the interest of coordinating services, a student will sign a release of information and student rights and responsibilities form which allows ADS to coordinate services upon request.

The ADS office will assist and advise each qualified student with a disability under this policy in identifying reasonable academic adjustments and ensuring that the agreed-upon accommodations are provided.

# VIII. Reasonable Accommodations and Auxiliary Aids

The process of determining reasonable accommodations and/or auxiliary aids for each qualified student with a disability shall be made on a case-by-case basis, appropriate to the nature and extent of the student's disability.

Many college courses have assessment/placement, prerequisite, or recommended course requirements prior to enrollment. These prerequisites are based upon the mastery of essential skills and knowledge required for success in the course or program. Approval of reasonable accommodation requests require that the identified assessment/placement, recommended course, and prerequisites are met. Essential requirements for programs, degrees, or a Washington State proficiency requirement will not be waived.

Whatcom Community College is committed to providing comprehensive resources to assist students in developing basic reading, writing, math, and study skills and thus will not waive these basic proficiency requirements. Adult Basic Education (ABE), English Language Learners (ELL) and developmental education programs provide students with assistance in preparing for college-level academic skills. Unlike elementary and secondary schools, colleges and universities are ***not*** required to design special academic programs for students with disabilities.

## A. Academic Accommodations

Academic accommodations may include, but are not limited to:

* Flexibility in receiving notes or note-taking services;
* Flexibility in test-taking arrangements;
* Substitution of specific courses required for the completion of degrees, when appropriate.

Under the ADA, the College is **not required to alter the fundamental nature of a program to accommodate a student with disabilities**. The *Process for Course Substitution* is available from the Instruction Office.

## B. Auxiliary Aids and Services

Auxiliary Aids and Services may include, but are not limited to:

* Flexible procedures in the admissions process (early registration or priority registration);
* Qualified sign language, oral and tactile interpreters;
* Typewell text interpreting, or other speech-to-text transcription services;
* Access to adaptive equipment including, but not limited to computer input devices, FM systems, low-vision aids;
* Textbooks and other educational materials in alternative media, including, but not limited to large print, Braille and digital format;
* Provision of readers, note-takers, notetaking programs, and scribes.

## C. Access

Ongoing review and coordination of efforts to ensure campus accessibility, including barrier-free design, signage, identification of hazards of mobility barriers, maintenance of access during construction, snow and ice clearance, and adequate disability parking.

Facilitating physical access to programs and services including relocating classes, activities, and services to accessible facilities when possible.

Referral to appropriate on-campus and off-campus resources, services and agencies.

Access and/or accommodations needed for campus resources.

## D. Interpreters/Transcribers as an Accommodation

WCC will always make a good faith effort to provide qualified sign language, oral and/or tactile interpreters and speech-to-text transcribers to students qualifying for these services. In the event of an interpreter/transcriber shortage, while actively searching for qualified providers, WCC may need to prioritize services based on alternative class times available, critical course for degree or graduation, and date of request. Services may be provided in-person or remotely.

In the event an interpreter/transcriber is not available, other effective auxiliary aids will be set in place. This may include the coordination of appropriate services but is not limited to: interpreters, transcription or captioning services, note takers, and/or additional assistance from instructors, tutors or ADS staff.

If a student utilizing interpreting/transcribing services regularly misses class(es) without informing the ADS office, services will be temporarily suspended until the student meets with the ADS staff. At that time student responsibilities will be reviewed and services will be reinstated. This does not apply to absences due to “good cause” or emergency situations.

# IX. Requests for Substitution of Program/Degree Requirements

Certain disabilities may preclude a student from successfully completing a specific course requirement for a degree, even with appropriate accommodation. In those cases, the college will consider course substitutions when they do not compromise the integrity of the academic program or are not a State proficiency requirement. Under the Americans with Disabilities Act, the college is not required to waive or substitute essential requirements of a student’s program of instruction. Therefore, every student enrolled in a degree program must meet the essential requirements of that program or degree. In the case of substitution requests, the substitution must not weaken the curriculum, but rather expand the opportunities available.

Altered methods of course delivery and/or the use of accommodation will enable most students with a disability to successfully complete course requirements, except in unusual circumstances. Therefore, the student is encouraged to attempt successful completion of the required course and prerequisites with accommodation. Course substitution may be requested using the following process or guidelines:

## Course Substitutions for Students with Disabilities Guidelines

* Unlike elementary and secondary schools, colleges and universities are ***not*** required to design special academic programs for students with disabilities. WCC will not waive degree requirements.
* Whatcom Community College may grant conditional course substitutions for degree or certificate requirements to a qualified student with a disability. Course substitutions will be approved only when such substitution is consistent with the essential degree requirements.
* Requests for substitution for a required course shall be considered only when a qualified student with a disability has demonstrated that, even with reasonable accommodations and auxiliary aids/services provided by the college, they are unable to successfully complete the course solely because of their disability. Students need to legitimately attempt to pass classes more than once.
* All requests for course substitution must follow the process on the Request for Course Substitution form available from the Instruction Office.

# X. DOCUMENTATION OF DISABILITY

## A. Documentation to verify eligibility

Students who are seeking support services from Whatcom Community College on the basis of a diagnosed disability may be required to submit documentation to verify eligibility. Documentation of a condition must originate from a licensed healthcare provider, although the information may be obtained through third party sources, such as school or vocational rehabilitation, or other agencies. Additional information may be necessary from other physicians or health care providers, such as but not limited to: physical therapists, occupational therapists, psychologists, audiologists, speech pathologists, and other trained providers. Certain disabilities, which are obvious in nature, may not necessitate the need for documentation other than the acknowledgment by the ADS Director. This information shall be kept in a confidential electronic file in the ADS office and will only be used to develop reasonable academic accommodations and auxiliary aids and in supporting a student’s progress at WCC. All documentation is held for seven years after the student leaves or graduates from WCC. After this seven year period, all disability documentation is destroyed. Any cost incurred for providing disability documentation is the responsibility of the student.

## B. Temporary Disability

A temporary disability, which may cause interference in a student’s ability to participate in programs, services and activities for an extended period of time, will be treated on an individual basis and the policy for disability documentation will apply the same, however the information will need to be current in order to support the need for accommodation or auxiliary aids.

## C. Documentation of Learning Disabilities

A specific learning disability is a neurological impairment which affects the manner in which individuals take in information, retain it, and express their knowledge and understandings. While individuals may learn to compensate for this impairment, it is permanent. By definition, only individuals with average or above average intelligence are diagnosed with learning disabilities. Broadly speaking, these disorders involve difficulty in one or more, but not uniformly in all, basic psychological processes: (1) input (auditory and visual perception), (2) integration (sequencing, abstraction, and organization), (3) memory (working, short term, and long term memory), (4) output (expressive language), and (5) motor (fine and gross motor). Learning disabilities do not include poor academic background, emotional disturbance, lack of motivation, sensory impairments, or intellectual disabilities.

Students who are seeking access and disability services from Whatcom Community College on the basis of a diagnosed learning disability are required to submit documentation to verify eligibility. Documentation of a learning disability consists of the provision of professional testing and an evaluation with report, which reflects the individual’s present level of information processing as well as achievement level. The cost and responsibility for providing this professional assessment shall be paid by the student.

The following guidelines are provided in the interest of assuring that evaluation reports are appropriate to document eligibility. Information obtained will remain in a private confidential file in the ADS office. The Director of Access & Disability Services is available to consult with diagnosticians regarding any of these guidelines. The documentation needs to include:

* A DSM-V or ICD diagnosis of a learning disability and/or clinically significant results as demonstrated in psycho-educational test scores.
  + If psycho-educational testing is included it should be performed at the adult level.  However, child level testing performed within 2 years of submission will also be considered.
* A description of the current impact/limitations of the disability with specific focus on barriers to the educational environment.
* Include qualified healthcare providers contact information, license number and signature (electronic signature acceptable).
* Documentation format can be:
  + 504 Plan
  + K-12 Summaries of Performance
  + Psycho-educational evaluation

# XI. SERVICE Animals on Campus

In accordance with the Americans with Disabilities Act (ADA), service animals are permitted in college facilities. Service animals are animals trained to assist people with disabilities in the activities of daily living. The ADA definition of service animals is:

“…a dog 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 sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.”

[WCC’s Service Animal Procedure 744](http://whatcom.edu/home/showdocument?id=3919) can be found on the college website.

## Definitions

“Owner/Handler” is a person with a service animal.

“Service Animal” is any dog individually and specifically trained to do work or perform tasks for the benefit of an individual with a disability. Service animals are usually certain breeds of dogs; however, in some cases properly trained miniature horses may be used. Barnyard animals are not service animals.

“Pet” is a domestic animal kept for pleasure or companionship. Pets are not permitted in college facilities or campus grounds.

“Emotional Support Animal, Therapy Animal” do not qualify as a service animal and are not allowed on campus without prior approval. See Emotional Support Animal college policy 533 for more information.

## Requirements of Services Animals and Their Owners/Handlers

1. Control: The care, supervision, and control of a service animal is the responsibility of the handler. The service animal must be on a leash at all times unless doing so would impede the animal’s ability to provide the needed task. The handler is responsible to ensure that others do not pet or feed the service animal. It is the handler’s responsibility to ensure the presence of their service animal is not disruptive to the learning and teaching environment as required by the WCC Student Code of Conduct.

2. Cleanliness: The handler is responsible for ensuring the clean-up of all animal waste. If the handler is unable to collect and properly dispose of animal waste, the handler is responsible for ensuring an alternate person will handle this service. The College is not responsible for identifying the alternate or providing this service. The animal must not smell or appear ungroomed/unkempt.

3. Health: The service animal must be in good health. The service animal must have current vaccinations and immunizations against diseases such as the general maintenance vaccine series, which includes rabies, distemper, and parvovirus. The service animal must wear a rabies vaccination tag and license in accordance with city and county regulations.

4. Identification: WCC encourages the use of a vest or harness that identifies the working status of the service animal, as well as owner identification tags.

## Responsibilities for Faculty, Staff, and Students

Employees may ask two questions:

(1) is the animal a service animal required because of a disability, and

(2) what work or task has the animal been trained to perform?

Employees may not ask about the person’s disability, require medical documentation, require a special identification card or training documentation for the animal, or ask that the animal demonstrate its ability to perform the work or task.

## An Owner/Handler May Be Asked to Remove an Animal because of:

An owner/handler may be asked to remove an animal from college facilities that is unruly or disruptive. If improper behavior occurs repeatedly, the owner/handler may be told not to bring the animal into any college facility until the owner/handler has taken steps to mitigate the behavior.

Service animals that are ill should not be taken into public areas. An owner/handler with an ill animal may be asked to leave college facilities.

# XII. Emotional Support Animals

## Definitions

“Emotional Support Animal (ESA)” a category of animals that provide necessary emotional support to an individual with a mental or psychiatric disability that alleviates one or more identified symptoms of an individual’s disability, but which are not considered Service Animals under the Americans with Disabilities Act (ADA).

“Owner“ is the individual who has followed the procedure for requesting and ESA as an accommodation and has received approval from the College’s ADS office to bring the ESA into student housing.

“Access & Disability Service Offices” collaborates with individuals, faculty, and staff to ensure that individuals with disabilities have equal access to all college programs and activities. The ADS office is responsible for approving any ESA request.

Emotional support animals can be approved as a reasonable accommodation, primarily in student housing. Students are required to complete the ESA application process as outlined in the [ESA Procedure 750](chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https:/www.whatcom.edu/home/showpublisheddocument/8324/637286082404130000).

# XIII. DISABILITY ACCOMMODATION DISPUTES

## A. Denial of Academic Adjustments by Access & Disability Services

Students have the right to seek accommodation reconsideration upon a denial of a requested accommodation.

If after consulting with the ADS Director, a student believes the ADS Office has not identified or provided reasonable accommodations or auxiliary aids, the student may petition for a review of the ADS Director’s decision by the Vice-President for Student Services. The petition should contain factual statements concerning the nature of the student's disability, requested academic accommodation, and documentation supporting the need for the accommodation. Alternative means of filing complaints, such as personal interviews or a recording of the complaint will be made available upon request for persons with disabilities.

The Vice-President for Student Services will review the student’s request and the facts or appoint a fact-finding team to review the complaint and attempt to resolve the situation. The Vice-President will respond within fifteen (15) working days. The decision of the Vice-President is final.

B. For Situations in Which a Faculty Member Denies accommodations

If a student believes that the instructor has not provided the approved reasonable accommodations or auxiliary aids, the student may seek review of the instructor’s actions with the instructor and the ADS Director.

If resolution is not reached by the student and instructor, the student may follow the [Student Complaint Process](https://www.whatcom.edu/about-wcc/policies-procedures/student-complaint-process).

## C. General Disability Discrimination Complaints

For general disability discrimination complaints students should follow the Complaints—Discrimination (Chapter 132U-300 WAC) number 4020. Copies of this form are located in the Human Resources Office and the Entry and Advising Center.

# Notice of Non-Discrimination

Whatcom Community College complies with federal and state laws specifically requiring that the College does not discriminate on the basis of race, color, national origin, religion, sex, disability, honorably discharged veteran or military status, sexual orientation, genetic information or age in its programs and activities. The following persons have been designated to handle inquiries regarding the non-discrimination policies:

# For Discrimination Complaints and Title IX Compliance, contact:

Director of Human Resources

237 West Kellogg Road., Bellingham, WA 98226

360.383.3400

**This procedure does not provide rights or obligations not provided by applicable laws. Note that this *i*s a dispute resolution process designed to resolve disagreements over what is an appropriate accommodation and avoid formal discrimination/grievance claims.**

All publications are available in alternative format upon request.