# VMI Policy and Procedures for Cadets with Disabilities

## Introduction

Section 504 of the Rehabilitation Act of 1973, the Virginians with Disabilities Act of 1985, and the Americans with Disabilities Act of 1990 and the American with Disabilities Amendments Act of 2008 guarantee equal access to and prohibit all programs or activities receiving federal financial assistance from excluding or discriminating against disabled individuals who are otherwise qualified to participate in those programs or activities. Further, the "ADA Amendments Act of 2008" revises the definition of "disability" to more broadly encompass impairments that substantially limit a major life activity. Changes also clarify coverage of impairments that are episodic or in remission that substantially limit a major life activity when active, such as epilepsy or post traumatic stress disorder.

Once admitted to a college, a cadet with a disability must meet the academic standards required to maintain enrollment. An academic institution is not required to lower or substantially alter its program but is, however, required to incorporate a "reasonable accommodation" if it will allow a person with a disability to participate in the academic program.

At VMI, eligibility for services is determined by the Director of Disabilities Services who provides services using procedures in accordance with best practice standards and ethical code guidelines established by the Association on Higher Education and Disability, http://www.ahead.org/resources. To receive services, cadets must present documentation in a form that meets the requirements established herein. The Director of Disabilities Services provides accommodations in accordance with medical and professional information in the cadet's record, legal precedent, and faculty consultations.

## Eligibility for Services

To be eligible for services, cadets with disabilities must identify themselves and present professional documentation to the Director of Disabilities Services. Documentation must be current (within three years), relevant, and comprehensive, and it must establish that the cadet's condition constitutes a **substantial limitation to a major life activity.** In addition, the documentation must establish a current need for accommodation.

If the original documentation is incomplete or inadequate, VMI has the discretion to require additional documentation. If the disability is not diagnosed, the Director of Disabilities Services may refer the cadet to an appropriate professional office for comprehensive psychological testing (see section "Guidelines for Documentation of a Specific Disability"). Any cost incurred in obtaining additional or initial documentation is borne by the cadet. Until appropriate documentation is provided, the Director of Disabilities Services cannot process the cadet's

request for accommodations unless criteria for Provisional Accommodations are met (see section Provisional Accommodations). Faculty members are not expected to provide accommodations unless cadets present their Accommodations Letter from the Office of Disabilities Services (ODS).

Cadets with disabilities who wish to request accommodations must meet with the Director of Disabilities Services for an initial intake session and present a copy of their documentation. Thereafter, cadets must notify the Director at the start of **each** semester of their intention to acquire accommodations. A new Accommodations Letter is then provided.

## Provisional Accommodations

The Director of Disabilities Services may recommend accommodations under provisional status for a cadet who presents a strong indication he/she might need certain accommodations but does not have current (within the past three years) supporting disability documentation that satisfies documentation guidelines (see section "General Guidelines for Documentation of a Disability" below or www.vmi.edu/ds) . Strong indication includes: prior history of support services in school, indication the cadet is in the middle of a diagnostic process and other clear indicators that a cadet likely has a disability that would significantly affect his/her ability to be academically successful. These indicators will be documented by the Director of Disabilities Services on the Agreement for Provisional Accommodations form as part of the recommendation and approval for accommodations process. Provisional accommodations will not extend beyond the semester in which they are granted. Continuation of service is dependent upon receipt of current supporting disability documentation as per the ODS Documentation Guidelines. Provisional accommodations must be approved by the Director of the Miller Academic Center

## Temporary Medical Disabilities

The Office of Disabilities Services assists cadets with accommodations that might be needed due to temporary medical disabilities that are a result of injuries, surgery, or short-term medical conditions.

To receive accommodations for a temporary disability, the cadet must submit to the Director of Disabilities Services documentation indicating the type of disability, severity, limitations, prognosis, and estimated duration of the disabling condition. It is also helpful to know any adverse side effects caused by medication and recommendations for accommodations. Recommended accommodations for temporary medical conditions are listed on the Agreement for Temporary Accommodations form. Additional documentation may be requested to verify the need for continued services after the estimated duration of the condition has expired.

Accommodations are approved on a case-by-case basis. Examples of accommodations that might be available for a temporary arm, hand, or upper extremity injury include but are not limited to:

- Scribe for Exams
- Notetaking assistance
- Audio recorder for lectures
- Extended testing time
- Computer for essay exams

## General Guidelines for Documentation of a Disability

Documentation should include the following elements:

- A diagnostic statement identifying the specific disability, date of the most current diagnostic evaluation, and the date of the original diagnosis.
- A description of the diagnostic tests, methods, and/or criteria used including specific test results (standardized test scores), and the examiner's narrative.
- A description of the current functional impact of the disability. This may be in the form of an examiner's narrative, and/or an interview, but must have a rational relationship to diagnostic assessments. Current documentation is defined using adult norms.
- A statement indicating treatments, medications, or assistive devices/services currently prescribed or in use, with a description of the mediating effects and potential side effects from such treatments.
- A description of the expected progression or stability of the impact of the disability over time, particularly the next five years.
- A history of previous accommodations and their impact.
- The credentials of the diagnosing professional, if not clear from the letterhead or other forms. The diagnosing professional may not be a family member.
- Documentation prepared for specific non-educational venues (i.e. Social Security Administration, Department of Veterans Affairs, etc.) may not meet the criteria as set forth by the ODS.
- IEP or 504 plans will not be considered sufficient documentation unless accompanied by a current and complete evaluation.

Beyond these nine elements needed for documentation, recommendations for accommodations, adaptive devices, assistive services, compensatory strategies, and/or collateral support services will be considered on a case-by-case basis.

Qualified professionals may refer to the Educational Testing Services Guidelines for Attention Deficit Disorder, Learning Disability, or Psychological Disability for more specific information regarding the documentation of a disability. Copies of each may be obtained from the ETS website www.ets.org.

## Guidelines for Documentation of a Specific Disability

## Learning Disability

Cadets with a learning disability are required to submit a comprehensive psychological and educational evaluation. Assessment, and any resulting diagnosis, must consist of and be based on a comprehensive assessment battery that does not rely on any one test or subtest (see general documentation guidelines). The ODS recognizes that once a person is diagnosed as having a qualified learning disability under the Americans with Disabilities Act, the disability is normally viewed as life-long. Although the learning disability will continue, the academic impact may change in different educational settings. Therefore, documentation for learning disabilities should include current measures, within the past three to five years, using adult-normed instruments, when appropriate, of the following:

- **Aptitude / Cognitive Ability** (e.g. WAIS-IV),
- **Academic Achievement** (e.g. current levels of functioning in reading, mathematics, oral and written language),
- **Information Processing** (e.g. short, long-term, working memory; visual and auditory processing; executive functioning).

A qualified professional must conduct the evaluation.

## Attention Deficit Hyperactivity Disorder (ADHD)

Cadets with Attention Deficit Hyperactivity Disorder (ADHD) are required to submit comprehensive documentation that substantiates the ADHD. This documentation should include evidence of:

- **Early Impairment** – Evidence of early impairment although it may not have been formally diagnosed and how symptoms manifested in more than one setting, relevant historical information is essential;
- **Evidence of current impairment;**
- **Relevant testing information (see documentation guidelines);**
- **Interpretive summary based on a comprehensive evaluation;**

A qualified professional must conduct the evaluation.

In the case of all disabilities, documentation must indicate that the disability substantially limits some major life activity, including learning.

Those cadets who have been diagnosed with ADHD and are seeking medication from the Post Physician, must complete the Verification Form for Cadets with ADHD found through the Post Health Center. This documentation is required for medication purposes and is also a requirement for NCAA athletes currently taking stimulant medications. While this

documentation is required for medication purposes, it is not substantial enough to fulfill documentation requirements for academic accommodations.

## Psychological

Cadets with a psychological disability are provided accommodations and coordinated support services through the ODS. Support services and accommodations are determined by the individual diagnostic information submitted by the cadet. Because psychological disabilities can change over time, current diagnosis is critical for providing appropriate accommodations. Therefore, documentation may be required on a yearly basis.

The following information will be needed:

**Qualifications of the Evaluator**

The documentation must include the following information and be typed on letterhead, dated, and signed:

- Names, titles, address and phone numbers of evaluator(s)
- License/certification, area of specialization, place of employment of evaluator(s)
- Documentation for psychological disabilities should come from primary health care professionals, psychiatrists, psychologists, psychological nurses, and other appropriate licensed mental health professionals.
- The diagnosing professional may not be a relative.

**Diagnosis**

The documentation must include a clear statement of the individual's psychological condition (DSM V diagnosis with Axes I, II, and V), with a description of diagnostic tests, methods, and/or criteria used.

**Evaluation and Treatment**

The documentation must give dates of evaluation or treatment (from _____ to_____ ) in order to establish the history of the condition and recency of the evaluation (must be within the last year). This should include specific results and the examiner's narrative interpretation. The evaluation should include treatments, medications, or assistive devices/services currently prescribed or in use. In addition, please provide a description of the expected progression or stability of the impact of the disability over time, particularly the next five years.

If this person has been referred for a complete battery of testing for learning disabilities or Attention Deficit/Hyperactivity Disorder to rule out any co-morbidity, please provide a copy of the documentation and date completed.

**Accommodations**

The documentation should indicate how the individual's condition might affect him/her in the academic/college setting. The evaluation should list functional limitations experienced by the cadet. This is very helpful in choosing appropriate accommodations.

**NOTE:** Beyond the four (4) elements needed for documentation, recommendations for accommodations, adaptive device, assistive services, compensatory strategies, and/or collateral support services (i.e. counseling, etc.) will be considered within the context of the cadet's program.

**NOTE TO CADETS: Due to the nature of Psychological Disabilities, recency of documentation is critical for providing appropriate accommodations and support services. Depending on the disability, evaluations may need to be updated as often as every six (6) months.**

## Procedures for Obtaining Accommodations

**NOTE:** Accommodation Letters must be requested **EACH SEMESTER** through the ODS.

1. Cadets with disabilities who wish accommodations must meet with the Director of Disabilities Services for an initial interview and provide copies of their documentation of a disability.

2. Cadets will complete a Request for Accommodations Letter form, an Accommodation Agreement form, and an Authorization to Exchange Information form. The Request for Accommodations form and the Accommodation Agreement form initiate a cadet's request to receive accommodations in selected courses. The Authorization to Exchange Information form allows ODS to exchange information with designated professionals to make final determinations of whether appropriate and reasonable accommodations are warranted and can be provided to the cadet.

3. In most cases, the Institute assigns authority to the Director of Disabilities Services to determine reasonable and appropriate accommodations based on the documentation provided. In the event there are issues or concerns involving accommodations, the Director reserves the right to consult with the Director of the Miller Academic Center and faculty members before providing accommodations.

4. Once documentation has been reviewed and accommodations have been granted by the Director of Disabilities Services, cadets will receive an Accommodations Letter. This letter will serve as the cadet's documentation of a registered disability and will be used as documentation and notification of the cadet's disability with professors for that semester only.

5. After picking up the Accommodations Letter from the ODS, cadets must make an appointment during office hours with each professor to deliver the Accommodation

Letter and discuss specific accommodation needs. It is very important that cadets do not try to give professors the Accommodation Letter immediately before or after class!

6. When meeting with professors, cadets should discuss their strengths and weaknesses and how they think the accommodations will help them in the classroom. Cadets do not have to disclose what their disability is; however, this disclosure often opens the door for professors to ask questions and for cadets to educate their professors about a particular disability.

7. Cadets must have each professor sign and date their Accommodations Letter. The signed letter serves as the documentation indicating that cadets have met their responsibility to inform the professor of their eligibility for accommodations. Each professor will copy the signed Accommodation Letter and retain the copy in a confidential file in their office. The original letter will be returned by the cadet to the ODS.

8. A request for extra time on a test should be discussed with the professor at least *72* hours before the test or exam is scheduled. This allows the professor enough time to make appropriate adjustments to his or her schedule.

Please note that last minute requests for accommodations as well as failure to meet with a professor in a timely manner will result in denial of or a delay in provision of requested accommodations.

## Procedures for Extended Time

When extended time is granted to a cadet, his or her professor will provide extended time using the following options. The professor may require a cadet to:

1. Use free class periods that precede or follow the test period to complete the test.

2. Use a block of time on the same day or another day, including evenings and Saturday academic time that is mutually feasible for the cadet and professor.

3. Take the test in two sections with one section during the class period and the second section before or after class that same day.

To the greatest extent possible, the professor will work to preserve the cadet's anonymity.

Under no circumstances will the cadet be allowed to return to finish a test after having seen the entire test. This arrangement places the cadet in jeopardy of violating the Honor Code. In addition, a professor may not require a cadet to continue taking an exam which would result in the cadet being late for or missing another class or required formation.

## Foreign Language Substitution

**Eligibility**

To receive consideration for a foreign language substitution, the cadet must qualify for the substitution based on documentation presented to the Office of Disabilities Services (ODS). Documentation should include a comprehensive psychoeducational report identifying a language-based learning disability that impacts the acquisition of a foreign language. The report should also include a recommendation outlining why a foreign language substitution is warranted, a description of difficulties and attempts in the past to successfully learn a foreign language and how the disability has negatively impacted these attempts. If the attempts were made at VMI, the cadet should include a report from the professor noting observation of efforts in the course, use of office hours, and any accommodations used in his or her class. Please see the ODS website at www.vmi.edu/DS for further information about documentation guidelines.

If documentation clearly indicates a disability that significantly affects foreign language acquisition, the cadet will be advised to follow the procedures outlined below. All foreign language substitutions that are granted are considered on an individual basis and upon review of supporting documentation.

**Procedure**

Once a cadet has been approved for a foreign language substitution by the Director of Disabilities Services, the cadet will complete and submit to the Registrar a copy of the "Course Substitution for Foreign Language Requirement" form. The Registrar and the cadet's department head and academic advisor will be notified by the Director of ODS. The cadet will discuss possible foreign language course substitutions each semester with his/her academic advisor prior to course registration. Appropriate course substitutions will be determined by the cadet's department head in consultation with the head of the Department of Modern Languages and Cultures. Once a course substitution has been determined, the cadet must notify the Registrar of which course will be used to substitute a foreign language requirement. In order to receive credit for the course, notification must be provided to the Registrar each time the cadet registers for a course that will be used as a foreign language substitution.

If a cadet does not have appropriate documentation to support a foreign language substitution but has requested the substitution, a good faith effort is required. A good faith effort consists of the following but is not limited to: completing all assignments fully and on time, preparing for class and participating in class activities, completing language lab exercises, if available, completing all make-up work, if applicable, attending tutoring sessions, if available, meeting with the instructor, and keeping a journal of time spent on course material outside of class (this includes tutoring and meetings with the instructor). When a good faith effort has been unsuccessful as determined by a failing grade in the course and review of the above information by the ODS Director, course instructor, and Modern Languages and Cultures Department Head, an administrative withdrawal without penalty will be recommended. The Director of the ODS will send approval to the Dean of the faculty, the Registrar, and the cadet's

department head and academic advisor. This step may be taken up to the day that grades are due for that semester.

When good faith efforts have been unsuccessful as determined by the ODS Director in consultation with the head of the Department of Modern Languages and Cultures, the cadet will be notified and will obtain and complete the "Course Substitution for Foreign Language Requirement" form. The Registrar and the cadet's department head and academic advisor will be notified by the Director of ODS. The cadet will discuss possible foreign language course substitutions each semester with his/her academic advisor prior to course registration. Appropriate course substitutions will be determined by the cadet's department head in consultation with the head of the Department of Modern Languages and Cultures. Once a course substitution has been determined, the cadet must notify the Registrar of which course will be used to substitute a foreign language requirement. Notification must be provided to the Registrar each time the cadet registers for a course that will be used as a foreign language substitution in order to receive credit for the course.

## Alternate Text Formats and/or Assistive Devices

The ODS provides alternate text services as an auxiliary aid/ accommodation for cadets with visual limitations, learning disabilities, or other cognitive or physical limitations that significantly affect the ability to read and/or comprehend print material. Alternate text services convert print material into a format that is more compatible to a cadet's limitations to provide adequate access to information. Due to limitations in resources and/or technology, it might not be possible to convert all print material into the preferred format for access.

**Eligibility and Approval**

Eligibility for this service is determined by an assessment of a cadet's individual needs by the Director of Disabilities Services. Cadets must have appropriate documentation of a disability to be eligible for alternate text services. The effects or limitations of the disability must also support the need for alternate text services as assessed and verified by the Director of Disabilities Services.

Once approved by the Director, cadets who wish to continue this service must complete the Alternate Text Agreement form and each semester the Alternate Text Request form. The initial cadet request for alternate text services should be discussed at the initial intake session with the Director and as part of each semester's accommodations request process.

## Alternate Test / Exam Formats

The ODS provides alternate testing accommodations as an academic adjustment for cadets who have a learning disability that significantly affects or limits the ability to take exams in a traditional setting and/or format. Alternate testing formats are a means of providing conditions that minimize the effects of a particular disability to ensure the cadet is able to adequately

demonstrate his/her knowledge or mastery of a course. These conditions are not intended to alter the fundamental nature or requirements of any course. Because the measurement of performance might be highly affected by a cadet's disability, a reasonable accommodation is provided to minimize the effects or limitations of the disability. The goal is to provide the cadet with an equal or equitable opportunity to be measured on what he/she has learned.

Reasonable alternate testing accommodations include but are not limited to the following:

- Reader and/or scribe
- A less distracting environment
- Oral processing (including speech-to-text software)
- Substitute formats of exams (e.g., essay vs. multiple choice)
- Alternate text (print conversions)

**Procedures and Conditions**

Once approved for alternate testing accommodations, each cadet will meet individually with his/her professor to discuss the most appropriate arrangement for his/her needs and present a copy of the Accommodations Letter verifying his or her need for an alternate test format.
If accommodations are coordinated through ODS, such as the use of a scribe, each test/exam will need to be coordinated and scheduled through ODS by the cadet. Professors should discuss and outline with each cadet specific conditions under which exams may be taken. For instance, the professor must approve whether it is permissible for cadets to take the exam during class time at ODS or at another designated time. If a reader or scribe is used, the cadet will ask the professor to complete the "Agreement for Reader and Scribe" form to make these arrangements.

Tests/exams to be taken at ODS may be dropped off by the professor or the professor may request that ODS staff pick up the test/exam. Once test/exams are completed by cadets, an ODS staff member will return them to professors. Generally cadets will take their exams at the same time as the class unless there are scheduling conflicts. Cadets should not be expected to miss other classes to take tests/exams with accommodations. Therefore, a test/exam may be scheduled for an alternate time other than the class time period. Alternate testing time/dates outside the scheduled class periods are provided only upon the professor's approval for the change.

**Assurances**

All cadets taking tests/exams through ODS are closely monitored. Any incident that appears in violation of the VMI Honor Code will be reported to the professor in writing when the test/exam is returned, detailing the conditions of the behavior of which the cadet is suspected.

## Grievance Procedures

Any cadet who feels he or she has been unfairly denied an accommodation may file a written grievance report to the Director of Disabilities Services outlining all aspects of his/her

complaint (i.e. details of the grievance and/or incident). If the grievance is in regards to a decision made by the Director of Disabilities Services, a written request can be submitted to the Director of Disabilities Services requesting written feedback regarding the rationale of any decisions / actions taken by the ODS in regards to the cadet. If the cadet feels the Director's response is unsatisfactory, he or she may then submit a written request of further review to the Dean of the Faculty. The Superintendent may make the final review. Grievance reports submitted to the Director of Disabilities Services, the Dean, or the Superintendent may take up to one week or more for a thorough investigation depending on the nature of the complaint. After the complaint has been reviewed, written notice will be provided to all parties involved regarding the outcome of the investigation. A cadet who is not satisfied with VMI's response may appeal to:

Office for Civil Rights
U.S. Department of Education
400 Maryland Ave, SW
Washington, DC 20202-1475
Phone: (202) 245-8300
TTY: (877) 521-2172
Fax: (202) 245-8301

http://www2.ed.gov/about/offices/list/ocr/index.html

While the review is in process, the cadet is entitled to continue to receive any accommodation recommended by the Director of Disabilities Services.

Any faculty or staff member who wishes to question an accommodation or related ruling concerning a cadet should first contact the Director of Disabilities Services. If the Director's response is found to be unsatisfactory, a written appeal can then be made to the Dean of the Faculty. The Superintendent may make the final review. While the review is in process, the cadet is entitled to continue to receive any accommodation recommended by the Director of Disabilities Services.

## Confidentiality

The ODS treats any written material obtained to verify a disability, to plan for appropriate services, or to document services and contacts with this office as confidential. The following are guidelines used by the ODS regarding disability-related information:

- All disability-related information regarding cadets served by the ODS is housed in the Director of Disabilities Services' office.
- All disability-related information is kept in separate files for each cadet and housed in secure file cabinets. This information is also stored in a secure electronic database system housed within the ODS.

- The ODS utilizes a secure, password protected, electronic database to store cadet information, cadet documents, and records of appointments. This information is accessible only in the ODS by an authorized ODS staff person.
- Only staff persons working at the ODS have access to paper and electronic files.
- Cadets who request services/accommodations acknowledge that some level of disclosure to select faculty members might be necessary to provide the requested accommodation(s). Disclosure will occur with the cadet's specific written permission and with the understanding that only necessary information for the purposes of accommodation will be communicated.
- A cadet may request to review the contents of his/her own paper and/or electronic file. This review must be done in the presence of an ODS staff member. All information in the file is the property of the ODS. Cadets may receive copies of only disability-related records verifying the disability and the need for services and accommodation(s). Cadets must sign a release for the copies and an inventory list of all materials copied will be kept in the folder.
- Five (5) years after the last date of enrollment, all materials in a cadet's folder in the ODS will be destroyed.

## Information Disclosure

The ODS values the privacy of its cadets and the confidentiality of the personal, educational, and health information entrusted to us. To protect this privacy, we have policies and procedures to limit disclosures of personal information for the delivery of services and accommodations of the cadet, those for which the cadet has given permission, and/or those required by law or public safety. This section describes how disability information about a cadet who is registered with the ODS may be used and disclosed and how cadets can obtain access to their information. Please review this information carefully.

1. **Signed release.** Information related to disability accommodations may be disclosed to persons the cadet has designated in a signed Authorization to Exchange Information form. The cadet can add or delete names by completing a new Authorization to Exchange Information form at any time. Such authorization may be revoked in writing by the cadet at any time.

2. **Legal requirements.** Personal and/or documented disability information may be disclosed as required by court or administrative order, subpoena, discovery request, or other lawful process. Disability information can be disclosed to the proper authorities to prevent/control injury or harm to the cadet or to others. In these instances, the cadet would be informed regarding the disclosure.

3. **Cadet access to file information.** Cadet requests to inspect and obtain copies of personal disability information must be made in writing by the cadet to give ODS permission to release the information. The ODS may deny in writing the release or viewing of personal disability information if the ODS or relevant university officials determine that the release of the information might be harmful to the cadet or another person. When such a request is

denied, the cadet may request to appeal the denial by following the ODS Grievance Procedure which is described above.

Periodically, the ODS is asked to provide information about cadets identified and served through the office. These data are reported in a manner that protects the identity of all cadets. *The Family Educational Rights and Privacy Act of 1974 (FERPA) (also known as the Buckley Amendment) and the Americans with Disabilities Act, 1990 (ADA) do not allow faculty access to disability-related information.* The ODS may, however, communicate information to faculty that a cadet has a documented disability and a need for accommodation(s). More specific information may be shared with individuals whom the cadet has indicated on the "Authorization to Exchange Information" form.

## Rights and Responsibilities

As college students, it is important for cadets to be self-advocates and to take responsibility for their education. Cadets who have been diagnosed with one or more disabilities should be familiar with their rights and responsibilities as described below:

**Cadet Rights**

- Reasonable accommodations that ensure equitable access to courses, course content, programs, and services that is based on required documentation
- Appropriate confidentiality and disclosure of information except when required or permitted by law
- Procedures to appeal decisions regarding accommodations and services (see Grievance Procedures: http://www.vmi.edu/Disabilities_Services/Grievance_Procedures/

**Cadet Responsibilities:**

- Self-identify when accommodations are needed and seek information, counsel, and assistance as necessary
- Provide appropriate documentation that describes how the disability limits the cadet's participation in courses, programs, and activities
- Follow published ODS procedures for obtaining reasonable accommodations, academic adjustments, and/or auxiliary aids and services at the beginning of each semester
- Meet qualifications and maintain essential standards for courses, programs, services, activities, and conduct
- Initiate conversations with faculty concerning accommodations approved by ODS
- Inform ODS in a timely manner if course materials are needed in an alternate format
- Inform faculty and ODS immediately of any disability-related difficulties, needs, or changes that may require a review and/or addendum to existing accommodations by the Director of ODS.