

# Accessibility Services Policy

Consistent with the University's mission, vision, and values, the goal of Accessibility Services is to coordinate support services that provide equal opportunity for applicants and students with disabilities to participate in all aspects of the educational environment at the California Health Sciences University ("University"). This policy describes the various procedures that are in place to ensure that students with disabilities receive reasonable accommodations in their didactic and experiential/clinical program requirements, as mandated by federal law, state law, and the University policy.

The fundamental principles of nondiscrimination and accommodation in academic programs are set forth in Section 504 of the Federal Rehabilitation Act of 1973 ("Section 504") and the Americans with Disabilities Act of 1990 ("ADA"), as these laws may change from time to time. To the extent this policy conflicts with state or federal law, the University will follow the relevant state or federal law. These laws establish that students with disabilities may not, on the basis of their disabilities, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any University program or activity. In accordance with these laws and the University policy, the University is accountable for providing reasonable and appropriate accommodations to eligible students with disabilities.

A reasonable accommodation means any adjustment or modification that allows an otherwise qualified student with a disability equal access to participate in the various programs of the University. Reasonable accommodations simply provide an alternative way to accomplish the course requirements or experiential rotations by eliminating or reducing disability-related barriers. Reasonable accommodations provide students and applicants with a level playing field, not an unfair advantage. Additionally, reasonable accommodations do not compromise the essential elements of a course, curriculum, experiential/clinical rotation or any other program requirement; nor do they weaken the academic standards or integrity of a course or experiential rotation. As such, the University will not accommodate any student by fundamentally changing academic requirements that are deemed essential to the course or to the program of instruction being pursued by the student or which relate directly to licensing requirements. Potential reasonable accommodations may include but are not limited to changes in the normal length of time for completion of degree requirements, substitution of specific courses required for the completion of degree requirements and adaption of the manner in which specific courses are conducted, extended time on an examination or paper, quiet room for exams, or auxiliary aids (e.g., note takers, computer-aided transcription, writer materials, assistive listening devices, etc.).

## Definitions for Purposes of this Policy Only

**Applicants** – individuals who desire to be considered for admissions to the University, including those who have or have not yet submitted a formal application.

**Didactic Accommodation** – An accommodation intended for classroom purposes.

**Disability** – A physical or mental impairment that substantially limits one or more major life activities.

**Experiential/Clinical Accommodation** – An accommodation intended for laboratory settings, externships, and rotations (offsite and onsite).

**Major Life Activities** include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

**Students** – Those who are admitted to, have matriculated into or enrolled in courses of study at the University.

# Technical Standards for Each College

Students must be able to perform, with or without a reasonable accommodation, all technical standards for their respective College. Information regarding each College's technical standards is available to all prospective students on the University's website. After a student has been granted conditional admission into the respective College, the student will be required to review and understand each technical standard and verify their capacity to meet each technical standard, with or without a reasonable accommodation, through completion of the Technical Standards Acknowledgment and Consent Form. The signed and dated form will be returned to the Office of Student Affairs and will be placed in the student's file. If the student's form indicates a need for an accommodation, the student will be referred to the Student Affairs Office. Students are required to be able to meet these technical standards both when they begin attending their respective College as well as during the entirety of the program.

The technical standards for each College will be reviewed and updated periodically.

## Accommodation Request Process

The University is committed to working collaboratively with applicants and students to ensure that the accommodations meet the applicant's or student's disability-related needs. Students or applicants who are not seeking a reasonable accommodation from the University are not obligated to self-disclose their disability to their College. However, it is the responsibility of an individual student to identify themselves to the University as a person with a disability and make a request for an accommodation to their College as follows:

- A. College of Pharmacy Students: Academic Affairs Office
- B. College of Osteopathic Medicine Students: Student Affairs Office
- C. College of Biosciences and Health Professions, Student Affairs Office

Students are encouraged to utilize the services available through their College as soon as a student becomes eligible to apply for a reasonable accommodation under this policy. Specifically, students with a new need for accommodation are encouraged to apply for these services at least two months prior to the semester beginning and students new to the University are encouraged to apply for these services at least two months prior to the beginning of their first Fall Semester in order to facilitate a seamless transition for the student. The University encourages everyone to submit such requests early because time is required for documentation review and arrangement of accommodation(s). The sooner the student applies for accommodation, the sooner the University can process the request.

However, students may apply for a reasonable accommodation(s) at any time.

Applicants and Students at CHSU may seek accommodation for any phase of the application process or program requirements pursuant the procedures set forth below:

### ***Step 1: Written Accommodation Request***

In order to begin the reasonable accommodation request process, students must first submit a written request for an accommodation by completing a Disability Verification Form and an Application for Services and Accommodations to identify essential information that can help the University with the process of determining whether a reasonable accommodation for the student is appropriate. Students need to submit an individual accommodation request for didactic curricular content delivery, and separately, for each experiential/clinical learning modality. Both of these forms may be requested from the student's College or online via the Student Intranet/Portal. Students may request assistance with completing these forms at the Student Affairs Office (COM students and MSBS students) or Academic Affairs Office (COP students). These forms must be fully and completely filled out before the student's request will be considered. Requests should specify if the accommodation is for a didactic, experiential/clinical curricular material, or for both.

In order to be eligible to receive a reasonable accommodation, the student must provide supporting documentation verifying the disability. All supporting disability documentation will be kept confidential in accordance with the applicable law. The Disability Verification Form must be completed by a qualified healthcare professional who has knowledge of the

disability and of the specific student. The student's College has the discretion to determine what type of professional documentation is necessary and this may vary depending on the nature and extent of the disability and the accommodation requested. The healthcare professional must be trained, licensed, and qualified to render a diagnosis and to determine the practical limitations of that diagnosis. Students may submit medical documentation from more than one healthcare professional if necessary (e.g., one physician who made the initial diagnosis and another who discusses the long-term limitations of such diagnosis). All completed forms must be submitted to the appropriate office within the student's College. If such documentation is insufficient or incomplete, the University reserves the right to require additional documentation. The University may be unable to process a request for accommodation until all of the necessary documentation is received.

While physicians and/or other medical professionals may submit recommendations regarding reasonable accommodations, the College's representatives who are familiar with the educational environment at the University determine the extent to which the recommended accommodations are appropriate in this context. In short, the medical professional's recommendations provide helpful information, but are not binding. If the College finds there is insufficient diagnostic or clinical information in support of the requested accommodations, students may be asked to submit new and/or additional documentation.

### ***Step 2: Eligibility Review and Meeting with the Office of Student Affair***

Requests for accommodation will be reviewed on a case-by-case basis in accordance with the Technical Standards in effect for the specific College the applicant or student has applied to or attends. All students must possess not only the academic abilities, but also the physical, cognitive, and emotional capabilities (as described in the respective College's Technical Standards) required to undertake the full curriculum and achieve the levels of competence required by the College.

Once the University receives all necessary documentation described above, the College's representative will review all relevant documentation and meet with the student to engage with the student in an interactive process (e.g., an ongoing dialogue with the applicant/student about the nature of their disability, its impact on the application process or ability to complete the program, and possible accommodations).

Generally, didactic or experiential accommodations are individually determined to meet the specific needs of a student with a disability. When necessary, the College's representative will confer with appropriate personnel in the student's College to ensure that the student's requested accommodation is reasonable; that is, it does not alter the fundamental nature of the program and that it can be provided without undue hardship by the University.

### ***Step 3: Decision/Accommodation Plan***

After all completed paperwork is received, the Student Affairs Office (COM students and MSBS students) or Academic Affairs Office (COP Students) will make a decision regarding eligibility for the requested accommodation or other reasonable accommodation. Appropriate accommodations are determined following an individualized assessment of each request and discussion between the student and a representative from the College. Among the factors considered in determining appropriate accommodations for students are:

- i. The nature of the student's disability;
- ii. Accommodation(s) that have worked for that student in the past;
- iii. Whether the requested accommodation(s) will allow the student to effectively access and participate in the course or program;
- iv. Whether the requested accommodations will alter the essential requirements of the course or program.

While the granting of an accommodation from a student's past college or educational institution may be informative, the decisions of that prior institution are not binding on the University.

Generally, if all paperwork is complete, the College will provide a written accommodation plan or denial of accommodation, to the student within five (5) business days following the in-person meeting. The Accommodation Plan may be revised at any point during the student's course of study at the University. Necessary changes to the accommodation plan may relate to the nature of the student's disability and/or as a result of additional medical documentation that may be provided. It is the student's responsibility to keep the Student Affairs Office (COM students and MSBS students) or Academic Affairs Office (COP students) informed of any additional information and/or changes related to the student's disability that will impact the accommodations the student requires or already receives. Students receiving short-term accommodations will need to provide additional medical paperwork in order to continue to receive the same (or altered) accommodations.

#### **Step 4: Implementation of the Accommodation Plan**

If a student is found to be eligible for a reasonable accommodation, the College will notify all of the student's professors, course directors, preceptors, and others who need to know about the accommodation in order to ensure the accommodation is appropriately implemented. Students experiencing difficulty in receiving accommodations that have been established in the student's Accommodation Plan should contact the Student Affairs Office in the student's College immediately.

## **Appeal of Accommodation Request**

Students with disabilities who have requested an accommodation(s) which was partially or fully denied in accordance with this policy, may submit a written appeal to the Dean of their College. The written appeal must be submitted to the Dean of the College via email or in person within ten (10) business days of the denial, must explain the basis for the appeal, and must include all paperwork originally submitted to the Student Affairs Office, although additional documentation may also be included for review.

During any appeal process, the student will continue to receive any reasonable accommodation that has previously been granted. A decision regarding an appeal will be issued within thirty (30) calendar days of receipt of the appeal paperwork. All appeal decisions made by the Dean of the College regarding a student's disability determination will be final.

## **Resolving Problems Related to the Disability Accommodation Process**

Even with the best efforts of everyone involved, a problem may occur with the accommodation process for a student or applicant. If this should happen, the University strongly encourage students and applicants to let the appropriate office within their college (for COM and MSBS students - Student Affairs Office, and for COP students – Academic Affairs Office) know immediately so that they can work together to solve the problem.

Such problems with accommodations may arise because of a misunderstanding or miscommunication; therefore, clarification can be a quick and effective solution. Additionally, the University can help to resolve problems students may have related to their disability accommodation with their professors, TA's, or preceptors.

An individual who believes he or she has been discriminated against on the basis of disability should contact the University's Title IX, Equity, and Diversity Coordinator pursuant to the procedures in the University's Unlawful Discrimination, Harassment, and Title IX Misconduct Policy and Procedures. A copy of that policy is contained in the University Catalog and Handbook. Retaliation in any form against persons who file complaints is prohibited by disability-related law and University policy.

## **Technical Standards Review: Non-Admission and Dismissal for Failure to Meet Technical Standards**

Each College within the University shall have a committee which will be an administration and faculty committee charged with being the primary body responsible for review and revision of the that College's technical standards and prospective and current students' ability to comply with such technical standards.

The appropriate college committee responsible for reviewing the technical standards shall be authorized to recommend to the Dean withdrawal of admission or dismissal for prospective of students from the University for failure to adequately meet the College's technical standards. The appropriate College committee shall have broad authority to review all records

(including a student or applicant's relevant medical information) to decide whether an applicant or student will be able to meet the University's technical standards with or without an accommodation and may recommend a broad number of options for consideration as part of any final decision.

Students who are unable to meet the Technical Standards for the program, in which they are seeking a degree, may have their offer of admission withdrawn or be dismissed after review by the appropriate College committee in accordance with the below procedures:

**Step 1: Concern Regarding Failure to Meet Technical Standards.** Any and all concerns from anyone in the University community (including students, staff, faculty and administrators) regarding a student's ability to meet the Technical Standards of their College shall be made in writing as follows: for students in the College of Pharmacy to the College's Academic Affairs Office and for students in the College of Osteopathic Medicine and College of Biosciences and Health Professions to the College's Student Affairs Office. Applicants who have been conditionally admitted who may not meet technical standards with or without reasonable accommodation, shall also be processed pursuant to this procedure.

**Step 2: Review of Concern by Office of Student Affairs and Notice to Student.** After such a concern is received by the appropriate office within the applicable College, a representative from the College will review the concern and gather any additional information. If the College determines that the student's ability to meet some or all of the technical standards of the College, with or without a reasonable accommodation, is compromised the representative shall meet with the student (about whom such concern has been made). At the beginning of such meeting the representative shall provide written notice to the student regarding a description of the concern that has been received by the University and the specific technical standard(s) the student may not be able to meet.

**Step 3: Interactive Process (if applicable).** If after receiving notice of the concern, the student discloses that they have a disability covered under the ADA and requests a reasonable accommodation, the University shall engage in the interactive process with the student, as described above. If the University finds that a reasonable accommodation is appropriate, then that resolves the matter. If after such interactive process, the University determines that a reasonable accommodation would not permit the student to meet the technical standard(s) the student will be given notice of such finding and be informed regarding the next step described below. If the student maintains that they do not have a disability or the student refuses to engage in the interactive dialogue in good faith, the process will proceed to Step 4.

**Step 4: Medical or Psychological Evaluation of Student.** Should a candidate have or develop a condition that would place patients, the student, or others at risk or that may affect his/her need for accommodation, an evaluation with a qualified healthcare professional selected by the University, may be necessary. Prior to the examination of the student, the student is required to execute appropriate medical releases and medical forms for the healthcare professional who will be evaluating the student. The evaluating health care professional shall review the College's technical standards and be provided with background information related to the required standards. The student shall submit all costs associated with these examinations to their insurance carrier. All non-insured costs shall be paid for by the University. The evaluating health care professional shall submit a confidential written report to the College's representative addressing only whether the student's disability impacts their ability to perform any or all of the technical standards. The evaluating health care professional's report shall specifically indicate whether or not the student has any physical or mental impairment that substantially limits the student's ability to perform the technical standards of the College. No confidential medical information shall be included in the report unless it is determined that the student is unable to perform the technical standards of the College and such medical information is directly related to such determination.

If the student refuses to participate in this the examination, the appropriate College committee shall review the student's case without the benefit of this information.

**Step 5: Committee Review Period:** The appropriate College committee's role is to review all the information presented before it regarding the student's ability/inability to meet the Technical Standards of the program. Prior to the meeting, the committee will receive a copy of the student's accessibility services file, including the medical evaluation described above, if provided. Additionally, the student may submit a written statement for committee's review and may submit written statements from others which have information relevant to the student's ability to meet the technical standards of the College. The committee chair shall determine whether any such statements are or are not relevant to the proceeding. During this review period the committee may, but is not required to, meet to discuss the matter and may request additional

information from the administration, members of the faculty, or the student prior to the meeting. The student may also request to address the committee in person prior to a final decision being made. The student may bring a faculty mentor/ advisor or other support representative to the meeting. The support representative may not participate directly in the meeting, even if that person is a lawyer.

Support representatives may not disrupt the meeting; if disruption occurs or attempts to directly participate are made, the appropriate committee chair may ask the support representative to leave the meeting.

**Step 6: Committee Recommendation to the Dean.** Following the review period the committee will make a recommendation to the Dean of the student's College regarding whether the student meets technical standards and whether they should be dismissed or have their offer of admission withdrawn. The committee shall consider alternatives to essential requirements, as well as whether the essential requirements in question can be modified for a specific student with a disability, in compliance with state and federal law. Recommendations are determined by a majority vote of the committee members attending the meeting.

**Step 7: Notice to Student of Final Decision.** Upon receipt of the committee's recommendation, the Dean (or Dean's designee) will review the recommendation and prepare a written final decision to the student or applicant. A copy of the decision will be placed in the student's or applicant's file, and a copy provided to the Registrar, College Student Affairs Dean (for COM students and MSBS students) or the College Academic Affairs Dean (for COP students), and Provost (or designee).

**Step 8: Appeal Rights.** The student may appeal the final decision to the Provost in writing via email within five (5) business days from the date of the final decision. The written appeal must state the basis for why a different decision is appropriate. If the Provost has a conflict of interest, the President shall designate an alternative administrator to process the appeal. The written decision on the appeal request shall be issued in writing to the student, generally, within fifteen (15) business days from the date the appeal is received. The Appeal decision will be final.