



## **ADA and Section 504 Policy for Students**

### **Purpose**

The Americans with Disabilities Act, as amended, (ADA) and Section 504 of the Rehabilitation Act (Section 504) prohibit discrimination against individuals with disabilities. These laws require Saint Mary's University of Minnesota ("the university") to provide reasonable accommodations for otherwise qualified students with disabilities. Generally, the term "disability" means that an individual has a mental or physical impairment that substantially limits one or more major life activities. This policy is intended to guide the student disability accommodation process once a request for academic accommodation has been made.

Individuals with questions about this policy or who wish to request an accommodation, including prospective students who may need a disability accommodation during the admissions process, should contact Access Services at:

### **Winona Campus:**

Access Services  
Student Success Center  
Griffin Hall, Room 70  
700 Terrace Heights #31  
Winona, MN 55987  
507-457-1414  
[accessservices@smumn.edu](mailto:accessservices@smumn.edu)

### **Twin Cities Campus:**

2500 Park Avenue  
LaSalle Hall #42  
Minneapolis, MN 55455  
612-238-4576  
[accessservicesgpp@smumn.edu](mailto:accessservicesgpp@smumn.edu)

## Scope

This policy applies to all student requests for accommodations under the ADA and Section 504.

## Policy

### A. General

1. Students are required to self-identify as a person with a disability and may request accommodations. Once a student self-identifies as a person with a disability, the university will engage in an interactive process with the student to determine what, if any, reasonable accommodations are available.
2. A student self-identifying as a person with a disability who needs accommodation must have a disability covered by law and be qualified with or without reasonable accommodation. The university is only obligated to provide *reasonable* accommodations, and it is not required to fundamentally alter its programs to accommodate a student. Thus, not all accommodation requests will necessarily be granted.
3. Accommodation requests and supporting documentation are reviewed on an individualized, case-by-case basis. As such, approved accommodations may vary from person to person and from environment to environment for students with the same disability diagnosis. Documentation of a specific disability does not translate directly into specific accommodations.
4. During the interactive process, appropriate university officials may be consulted to determine the reasonableness of requested accommodations and how best to implement certain accommodations.
5. Temporary accommodations may be available while the university engages in the interactive process to determine whether ongoing accommodations are appropriate and, if so, what reasonable accommodations are needed. However, temporary accommodations do not reflect a determination that ongoing accommodation will be granted and/or what reasonable accommodations are appropriate, nor do they create an obligation on the part of the university to continue accommodating the student.

### B. Requesting Accommodations and Documentation

1. Students should complete the online Student Intake and Accommodation Request Form to request accommodations. After doing so, an access services specialist will contact the student to arrange a meeting to discuss the requested accommodations. Students should not make accommodation requests directly to faculty members; if this occurs,

faculty members will refer students to Access Services. Similarly, faculty members or other university employees should not provide accommodations to students who have not been approved by Access Services through this policy. All faculty members and other university employees are expected to implement approved accommodations unless they believe an accommodation fundamentally alters an assignment or course. In this instance, faculty should contact Access Services to work through the fundamental alterations process.

- i. The university encourages the timely request of accommodations before the start of a school term because the documentation and determination process may take some time. However, accommodation requests can be made and will be accepted and considered at any time. Do note, though, that granted accommodations are not effective retroactively so students will not be able to re-do assignments or re-take exams with accommodations that they originally took before they asked for and received accommodations.
- ii. Reasonable accommodations include, but are not limited to, the following:
  - a. extended time on exams
  - b. alternative testing (different location for taking exams or alternate test formats)
  - c. audio recordings of class lectures
  - d. transcriptions or captions for online lectures
  - e. interpreter services
  - f. assistive technology (audiobooks, texts in Braille, text-to-speech programs, etc.)
  - g. alternate housing
  - h. reduced course loads
  - i. priority registration
  - j. magnified text
  - k. specific classroom seating
  - l. use of laptops for tests and exams
  - m. use of calculators for tests and exams
- iii. Appropriate supporting documentation will be requested. This may vary depending on the circumstances but should generally include
  - a. A prior Individual Education Plan (IEP) [The university may request additional documentation if the IEP or Section 504

plan were not “in effect” immediately before the student exited high school.];

- b. Documentation of prior services or accommodations under a Section 504 plan [The university may request additional documentation if the IEP or Section 504 plan were not “in effect” immediately before the student exited high school.];
- c. Records from a private school, local educational agency, or a plan or record from a previous institution of higher education provided under the ADA or its amendments
- d. A military record of disability; or
- e. A record, evaluation, or additional information from a qualified health professional including:
  - a description of the qualified professional's credentials,
  - a description of disability-related impairments as they relate to the student's ability to learn and participate in the academic program,
  - a description of any tests, assessments, facts, observations, records, other materials, and/or evaluations that the professional relied on in arriving at their specific diagnosis, and
  - a list of accommodations that the professional believes would allow the student to fully and equally participate in their educational program and how the professional expects the suggested accommodations to help the student.
- iv. Note that specific accommodations being recommended by a professional do not guarantee that those accommodations will be granted, and the university may provide alternative accommodations instead.
- v. While documentation of past accommodation history is important and will be considered, it is not decisive as to what accommodations will be granted by the university.
- vi. The university reserves the right to request additional documentation if the initial documentation does not provide sufficient information.
- vii. A course instructor must provide notice to Access Services outlining any concerns about reasonable accommodations that create a fundamental alteration of a course. A copy of that notice must also be provided to the student.

### **Implementation of Approved Accommodations**

Once a student has been approved for accommodations, Access Services will prepare a document outlining these accommodations. This document will be emailed to the faculty and the student. The student should discuss the approved accommodations with the faculty member in each course for which the student wants the accommodations to be implemented.

A student who believes that an approved accommodation is not being appropriately implemented, or is otherwise having difficulty with a faculty member related to accommodations, should review below, for guidance in handling the situation.

### **Checking-In, Modifications, and Additional Accommodations**

The student should contact and engage Access Services in a discussion when the need arises to discuss the implementation of the student's accommodations, identify any issues of concern, discuss the student's upcoming class schedule, consider whether any additional accommodations are necessary or if current accommodations need to be modified, etc. Access Services will presume the approved accommodations are being implemented effectively unless Access Services hears otherwise.

It is recommended that students contact Access Services with any identified needs before the start of a term. However, students who have been granted accommodations may request additional accommodations and/or modifications to their already granted accommodations at any time by contacting Access Services.

### **Grievance and Appeal Process: ADA and Section 504**

Saint Mary's University of Minnesota ("the university") has adopted the following policy for grievances relating to accommodation decisions or disability discrimination.

Students have the right to file a complaint directly with the Office of Civil Rights (OCR) of the United States Department of Education (DOE).

#### **A. Appeal relating to accommodation decisions**

1. When a student does not agree with an accommodation decision, the student is encouraged to discuss any concerns with the Director of Access Services within five (5) business days from the date of the accommodation decision. The concerns can be submitted either in writing (hard copy or electronic) or communicated verbally.
2. If the student does not agree with the decision of the Director of Access Services regarding the accommodation decision, the student may appeal

the decision in writing to the Vice President for Student Development within ten (10) business days from the date of the director's decision. The vice president will communicate a decision to the student in writing within ten (10) business days from the date the appeal was received.

3. The decision on appeal exhausts the student's administrative remedies. Should the student not be satisfied with the outcome of the appeal, the student may utilize the external complaint process as outlined in "External Grievances/Complaint Procedure" below.

B. Grievance relating to discrimination complaint

A student whose complaint concerns discrimination on the basis of disability or perception of disability is encouraged to use one of the following for assistance:

1. Call, write, or meet with the Director of Access Services.
2. Use the procedure outlined in the university's Discrimination Policy.
3. Call, write, or meet with the university's designated Section 504/ADA Coordinator.

University personnel will respect a student's request for privacy but may not be able to ensure confidentiality in resolving the complaint.

C. Filing a Complaint with the Office of Civil Rights (OCR)

Saint Mary's University of Minnesota encourages students to use university procedures before pursuing remedies outside the university. Students have the right to file a complaint directly with the Office of Civil Rights (OCR) of the United States Department of Education (DOE). Complaints can be filed by:

1. **Online:** Students may file a complaint with OCR using OCR's electronic complaint form at the following website:  
<http://www.ed.gov/about/offices/list/ocr/complaintintro.html>.
2. **Mail or Facsimile:** Students may mail or send by facsimile information to the address or phone number available at [this link](#). Students may use OCR's Discrimination Complaint Form or write their own letter. If they write their own letter, please include:
  - a. Name, address, and, if possible (although not required), a telephone number where the student may be reached during business hours;
  - b. Information about the person(s) or class of persons injured by the alleged discriminatory act(s) (names of the injured person(s) are not required);

- c. The name and location (city and state) of the institution that committed the alleged discriminatory act(s); and
  - d. A description of the alleged discriminatory act(s) in sufficient detail to enable OCR to understand what occurred, when it occurred, and the basis for the alleged discrimination.
3. **Email:** Students may email OCR's [Discrimination Complaint Form](#) or their own signed letter to [ocr@ed.gov](mailto:ocr@ed.gov). If they write their own letter, please include the information identified above.

**Note:** A recipient of federal financial assistance may not retaliate against any person who has made a complaint, testified, assisted, or participated in any manner in an OCR matter or to interfere with any right or privilege protected by the laws enforced by OCR. If a student believes that they have been retaliated against for any of these reasons, they also may file a complaint with OCR.

Approved: President's Cabinet	1-27-2025