

# Dickinson

## Policy and Procedural Statement for Students with Disabilities

**Responsible College Official:** Dean and Director of Access and Disability Services  
**Responsible College Office:** Access and Disability Services under the Center for Advising, Internships, and Lifelong Career Development  
**Origin Date:** Summer 2007  
**Revised Dates:** Fall 2007, Fall 2010, Spring 2015, Summer 2019  
**Collaborating Offices:** Center for Advising, Internship, and Lifelong Career Development  
Access and Disability Services,  
General Counsel,  
Provost and Dean of the College

### Policy and Purpose

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Dickinson College is committed to providing equitable access to educational opportunities to qualified students with physical or mental disabilities, in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, As Amended. Students requesting accommodation will need to provide appropriate documentation of: (1) a disability, which is a physical or mental impairment that substantially limits one or more major life activities; and (2) a need for accommodation, by virtue of the specific functional limitations of the disability, in order to have equal access to educational opportunities.

The College intends that the procedures which follow will facilitate an interactive process of dialogue and timely exchange of information between the student and Access and Disability Services.

### Who Needs to Know This Policy

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Students, Faculty, and Staff

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## **Relationship to Other Documents**

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This Policy and Procedural Statement applies to students with any disability. The college also publishes documentation guidelines that are disability-specific. They are in the areas of:

- Learning Disabilities
- Attention Deficit/Hyperactivity Disorders
- Psychiatric/Psychological/Emotional Disabilities
- Deaf/Hard of Hearing Disabilities
- Physical Disabilities
- Blindness and Low Vision Disabilities
- Head Injury/Traumatic Brain Injury Disabilities
- Visual Disorders/Not Acuity
- Pervasive Development Disorders including Asperger’s Disorder
- Tic Disorders including Tourette’s Disorder
- Other Disabilities

Students with more than one disability should provide documentation for each diagnosed disability for which they wish to receive accommodation. In some cases, a student may need to consult more than one set of documentation guidelines.

The above list of disability types is not intended to be exhaustive. Students who have disabilities that are not included on this list should follow the guidelines for documentation of “Other Disabilities.”

This Policy and Procedural Statement, along with the individual guidelines, addresses how the Americans with Disabilities Act (ADA) defines a disability, as well as provides detailed information regarding what is required when submitting documentation to support evidence of a disability.

## Use of This Document

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This Policy and Procedural Statement, along with the relevant documentation guidelines,<sup>1</sup> are to be used by college personnel to determine appropriate accommodations for students with physical and mental disabilities, such as a learning disorder (LD), physiological disorder or condition, orthopedic impairment, medical disorder, visual, speech and/or hearing impairment, Attention Deficit/Hyperactivity Disorder (AD/HD), psychiatric/psychological/emotional disorder, or other disability.

Documentation of a disability is necessary to establish both the presence of a disability and the need for reasonable accommodations for students who have been admitted to Dickinson College. Documentation of a disability must contain a clear statement of the specific disability and a summary of present symptoms, and should utilize the DSM-V or the ICD-10 diagnosis when applicable. The documentation should establish the nature and extent of each impairment, assess its impact in the residential academic environment, and address what type of accommodations the student requires. Dickinson College approaches such requests with the belief that each student's circumstance is unique and that a flexible approach should be taken in determining appropriate accommodations.

## What is a “Disability”?

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The ADA (Americans with Disabilities Act) defines a disability, with respect to an individual, as “a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such an impairment, or being regarded as having such an impairment” (42 U.S.C. § 12102 [2]). Dickinson College adheres to this definition.

Following are clarifications of the key elements of this definition:

### A. Physical or Mental Impairment

The first element of the ADA definition, referencing a *physical or mental impairment*, is the first thing a student requesting accommodations on the basis of a disability must support through adequate documentation. Collectively, conditions and syndromes are referred to as “physical or mental impairments,” and if any of the following impairs a student's ability to fully access Dickinson College's programs, that student should pursue accommodations based on his or her disability.

The phrase **physical impairment** is very broad. It includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine, as well as any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

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<sup>1</sup> The information included has been adapted from various guidelines developed by the Association on Higher Education and Disability (AHEAD), the Educational Testing Service (ETS), and the University of Connecticut: Center for Students with Disabilities.

The phrase “**physical or mental impairment**” includes, but is not limited to, such contagious and noncontagious diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

The terms “psychiatric disabilities,” “psychological disabilities,” and “emotional disabilities” are used interchangeably in this policy. The diagnoses and diagnostic criteria in the Diagnostic and Statistical Manual, Fifth Edition (DSM-V) and the International Classification of Diseases Manual, Tenth Revision (ICD-10) are generally accepted as constituting the collective body of classifications of physical and mental impairments.

A person shall not be regarded as having a physical or mental impairment when he or she is suffering from an impairment that is transitory and minor. Transitory impairments have an actual or expected duration of six months or less.

### **B. Substantial Limitation in a Major Life Activity**

The second key concept in the ADA definition of a disability is “a *substantial* limitation in a *major life activity*.” A major life activity refers to a basic activity that the “average person performs with little or no difficulty.”

**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. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

#### **Substantial Nature of the Limitation**

Once it has been established that an individual has an impairment that affects a major life activity, the next factor that must be documented is the extent of the impairment on the life activity. The impairment must have a **substantial** impact on a major life activity before the existence of a “disability,” as defined by the ADA, is established. A person who has a substantial limitation, as determined by the **nature, severity, duration, and long-term or permanent impact of the impairment on a major life activity** is protected under the ADA. In determining the level at which an impairment impacts an individual, Dickinson College endeavors to support the rights of an otherwise qualified person with physical or mental disabilities to fully participate in all aspects of the residential educational experience free from prejudice, antiquated attitudes, or the failure to remove societal and institutional barriers.

Note that the mere existence of a physical or mental impairment does not establish a need or an entitlement to accommodation under Section 504 or the ADA. A student seeking accommodations must provide documentation that establishes that his or her impairment substantially limits a major life activity.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

### **C. A Record of an Impairment**

A person with a record or history of an impairment that substantially limits a major life activity also meets the ADA's definition of an individual with a disability. Examples include a person who has a history of a mental or emotional illness, drug addiction, alcoholism, heart disease, or cancer. An individual who has been misclassified as having an impairment, (such as a person misdiagnosed as being mentally retarded or emotionally disturbed) is also protected under the ADA.

### **D. Being Regarded as Having an Impairment**

The final element of the definition of a disability under the ADA pertains to individuals who are regarded as having an impairment that would be protected from discrimination if that impairment actually existed. If an individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity, he or she is entitled to the protection provided by the ADA.

### **E. Mitigating Measures or Interventions**

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures or interventions, such as:

- (1) medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
- (2) use of assistive technology;
- (3) reasonable accommodations or auxiliary aides or services; or
- (4) learned behavioral or adaptive neurological modifications.

The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity. "Ordinary eyeglasses or contact lenses" refers to lenses that are intended to fully correct visual acuity or eliminate refractive error; "low-vision devices" refer to devices that magnify, enhance, or otherwise augment a visual image.

## **Documentation of a Disability**

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### **1. Overview**

Information on how the disabling condition currently impacts the individual provides useful information for both establishing a disability and identifying possible accommodations. A combination of the results of formal evaluation procedures, a clinical narrative, and the individual's self-report is the most comprehensive approach to fully documenting the impact. The documentation must be thorough enough to demonstrate whether and how a major life activity is substantially limited by providing a clear sense of the severity, frequency, and pervasiveness of the condition.

Submitting information and documentation that is less than comprehensive is not in a student's best interest because doing so may cause unnecessary delays in decision-making related to the assessment of the disability and the provision of accommodations.

Providing a history of prior accommodations is useful, but that history does not in itself establish the current need for an accommodation or a need for the same accommodation. If accommodations were not previously provided, the qualified professional should include a detailed explanation of why no accommodations were sought in the past and why accommodations are needed at this time.

### **2. Evaluator qualifications**

The evaluator must be a qualified licensed professional with experience and expertise in the area for which accommodations are being requested. Comprehensive training, certification, and relevant experience in differential diagnosis are essential.

Professionals conducting assessments, rendering diagnoses, and making recommendations for accommodations must be licensed or otherwise credentialed professionals who have undergone appropriate and comprehensive training in the area which they are assessing. In some cases, it may be appropriate to use a clinical team approach consisting of a variety of educational, medical, and counseling professionals with training in evaluation of individuals with disabilities. The evaluators must be professionally qualified to conduct their particular assessments and render a diagnosis. Use of diagnostic terminology by someone whose qualifications, training, and experience are not in these fields will not be persuasive. Also, documentation provided through a professional's evaluation of a family member will not be accepted.

The name, title, and professional credentials of the evaluator--including information about license or certification as well as the area of specialization, employment, and state or province in which the individual practices--should be clearly stated in the documentation. All reports should be on letterhead and should be signed and dated. Documentation that is not clearly legible will not be considered.

### **3. Recency of documentation**

Documentation must reflect the current functional impact the disability has on the student's learning or other major life activity and the degree to which it impacts the individual in the context (classroom, residential, etc.) for which accommodations are requested. Documentation

must therefore be recent. The college does not have a single standard for recency that applies to all disabilities. This is because the impact of some disabilities is predictably constant, while the impact of other disabilities is predictably variable over time. The age of acceptable documentation is dependent upon the disabling condition, the current status of the student and the student's request for accommodation.

The college acknowledges that some disabilities (such as learning disabilities, pervasive developmental disorders, TBIs, visual and hearing impairments, and other impairments) carry across an individual's lifetime and that once an individual is diagnosed with a lifelong disability he or she is protected under the Americans with Disabilities Act (ADA). Although the disability may be ongoing, the severity and manifestations of the condition and the environment for which accommodations are requested may change over time. In order to assure that appropriate accommodation of a student's current needs are being made, in most cases it is recommended that documentation of a disability be no more than three (3) years old when submitted.

Documentation of a disability with greater variability over time must reflect the student's current functional limitations, and thus must be no more than six (6) months old when submitted. This applies, for example, to emotional/psychological/psychiatric disabilities. It also applies in situations where medication or changes in medication are likely to be influential factors. If a student has any question about what time period will apply in his or her case, the student is encouraged to contact the Dean and Director of Access and Disability Services at Dickinson College.

#### **4. Comprehensiveness of the documentation**

Documentation must be comprehensive to support the diagnosis of a disability. Documentation must include a clear diagnostic statement that describes how the condition was diagnosed, provides information on the functional limitations in the educational environment, and details the typical progression or prognosis of the condition.

Documentation is to include the following components:

- A specific diagnosis
- Relevant developmental, historical, and familial data
- History of presenting symptoms
- Duration and severity of the disability
- Relevant medical and medication history, including the individual's current medication or treatment regimen compliance (including therapy), side effects, and response to medication or treatment, if applicable
- A description of the current functional limitations in the academic environment as well as across other settings (learning, residential, etc.)
- A specific request for accommodations with accompanying rationale

When applicable, documentation should include discussion of both current and past medications, auxiliary aids, assistive devices, support services, and accommodations, including their effectiveness in ameliorating functional impacts of the disability. Documentation should also include a discussion of any significant side effects from current medications or therapies that may impact physical, perceptual, behavioral or cognitive performance across the academic setting (learning, residential, etc.).

A plan used in high school such as an Individualized Educational Plan (IEP) or a Section 504 service agreement, may be informative background information but would not, by itself, be sufficient.

#### **5. Diagnostic methodology used**

Documentation is to include a summary of the diagnostic criteria, such as clinical tools, evaluation instruments, assessment procedures, tests and dates of administration, as well as a clinical narrative, observation, and specific results. Where appropriate to the nature of the disability, documentation should include summary data and specific test scores (with standardized scores and norming population identified) within the report.

Methods may include formal instruments, medical examinations, structured interview protocols, performance observations and unstructured interviews. If results from informal, non-standardized or less common methods of evaluation are reported, an explanation of their role and significance in the diagnostic process will strengthen the documentation in providing useful information.

For learning disabilities, documentation must minimally address: aptitude (such as through an IQ score), achievement (in reading, math, and written expression), and processing (such as visual processing and auditory processing). A narrative or descriptive text providing both quantitative and qualitative information about the student's abilities might be helpful in understanding the student's profile, including functional limitations.

#### **6. Multiple diagnoses**

If a student wants the college to take into account more than one impairment, the student's documentation must meet the requirements for each impairment. A student may present documentation from more than one evaluator.

#### **7. Accommodation(s) recommended**

Documentation must include specific recommendations or requests for accommodations that are realistic and that are appropriate at the postsecondary level. A detailed explanation as to why each accommodation is recommended must be provided, and should correlate with specific functional limitations on the student in the college environment (learning, residential, etc.) as determined through interview, observations, and/or testing.

If the requested accommodations are not clearly identified in the documentation, the Dean and Director of Access and Disability Services at Dickinson College will seek clarification and, if necessary, more information. The Dean and Director will consult collaboratively with the student to determine appropriate accommodations. However, the Dean and Director will make the final determination of whether appropriate and reasonable accommodations are warranted and can be provided to the individual.

#### **8. Personal Statement from student**

Also, although the college assumes that a student will not ask for an accommodation that he or she does not think would be useful, the student's documentation will be stronger if it includes a statement of why the student believes that the accommodation sought would be effective.

## **Disability Grievance Policy/Procedure**

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A student wishing to bring a complaint against the college or a member of the staff or administration based upon a violation of this policy or any other failure to properly respond to a disability as a characteristic protected by law under the ADA, AA or Section 504 of the Rehabilitation Act of 1973 should refer to the college's [Disability-Based Grievance Policy](#).

## **Confidentiality of Student Records**

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Dickinson College implements the federal law that gives students a large measure of control over the release of student records. (This law is the Family Educational Rights and Privacy Act -- FERPA.) The law defines "student records" broadly; those records include any student-specific information provided as part of the disability documentation process. The college will not provide any such records to any parties beyond those who have a legitimate educational interest in the information, or a legitimate health or safety interest, unless consent is given.

The documentation provided by the student under this Policy and Procedural Statement will be kept in a secure file.

## **Web Address for This Policy**

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[http://www.dickinson.edu/downloads/download/411/policy\\_and\\_procedural\\_statement\\_for\\_students\\_with\\_disabilities](http://www.dickinson.edu/downloads/download/411/policy_and_procedural_statement_for_students_with_disabilities)

## **Contacts**

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Associate Provost and Executive Director of the Center for Advising, Internships & Lifelong Career Development

## **Who Approved this Policy**

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Kendall Isaac, General Counsel

## **History/Revision Dates**

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Origination Date: Summer 2007

Revisions: Fall 2007, Fall 2010, Spring 2015

Most Recent Revision: Summer 2019

Next Scheduled Review: Spring 2022

Sources: *Americans with Disabilities Act (ADA)*; *ADA Amendments Act of 2008*; *Rehabilitation Act*; Association of Higher Education and Disabilities (AHEAD)'s *Seven Essential Elements of Quality Disability Documentation*; Educational Testing Service (ETS); *Encyclopedia of Special Education: A Reference for the Education of the Handicapped and Other Exceptional Children and Adults*. Hoboken: Wiley, 2006; University of Connecticut Center for Students with Disabilities Documentation Guidelines.