

# SERVICES FOR STUDENTS WITH DISABILITY AND DISABILITY DISCRIMINATION POLICY

*Division: Student Affairs*

## *Policy Statement*

Terra State Community College (TSCC) is committed to creating an environment supportive for the success of all students, faculty, staff, and constituents. As such, TSCC provides services to assist all members of the community with their academic pursuits. TSCC also provides methods and processes to address discrimination.

## *Policy Details*

1. **Notice of Non-Discrimination** - Terra State Community College does not discriminate on the basis of race, color, religion, national origin, ethnicity, age, sex, gender identity, genetic information, gender expression, sexual orientation, marital status, disability, pregnancy, military status, or special disabled or Vietnam-era veteran status in provision of educational programs and services or employment opportunities and benefits pursuant to the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the American with Disabilities Act of 1990, the Age Discrimination Act of 1976, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, and Chapter 4112 of the Ohio Revised Code.
2. **Notice Against Disability Discrimination** - Terra State Community College welcomes qualified students with disabilities and endorses the principles of non-discrimination and reasonable accommodation as described in Section 504 of the Rehabilitation Act of 1972 and Title II of the American with Disabilities Act of 1990. The policy has been developed to serve and accommodate students with disabilities to ensure equal opportunity to participate in its educational program, services, and activities. This policy provides guidance to reasonably accommodate students with disabilities without compromising academic standards and requirements. Additionally, it serves as a measure for the college to determine, after the fact, if behaviors have violated policy and provides general guidelines for the expectations the College has for non-discriminatory behavior.
3. **Filing a Complaint** - A student who wishes to appeal an accommodation request that has been denied or who believes they have been subject to discriminatory treatment is encouraged to report these offenses to the Section 504 Coordinator. Any person who receives a complaint of disability discrimination, harassment or retaliation, is expected to report the incident promptly.
4. **Non-Retaliation** - Terra State Community College strictly adheres to and enforces a non-retaliation clause. Retaliation against an individual who has reported discriminatory treatment and retaliation against individuals for cooperating with an investigation is unlawful and will not be tolerated by the College. Any person who violates this policy will be subject to discipline, up to and including termination if they are an employee, and or dismissal if they are a student.
5. **Process**
  - a. **Investigator** - The following individual has been appointed by the President to handle inquiries regarding this policy:  
Mr. Tim Shaal, Dean of Student Success and Section 504 Coordinator  
Terra State Community College  
2830 Napoleon Road

Fremont, OH 43420  
Office Location: Building B, Room 105  
Phone: (419) 559-2416 Email: [tshaal@terra.edu](mailto:tshaal@terra.edu)

**b. Definitions**

- i. **COMPLAINANT** is the individual making an allegation of a violation of College policy.
- ii. **RESPONDENT** is the individual charged with an alleged violation of College policy.
- iii. **A PERSON WITH A DISABILITY** is any person who: (1) has a physical or mental impairment which substantially limits one or more of the such person's life activities; (2) has a record of such impairment; (3) is regarded as having such an impairment; or (4) is otherwise deemed disabled under applicable federal or state law. With respect to post-secondary education, a qualified person with a disability is one who, with or without accommodation, meets the standards for admission to or participation in an educational program, services, or activity.
- iv. **EXAMPLES OF DISABILITIES** are physical, psychological, mental, neurologic, and learning. Certain cosmetic disfigurements and serious contagious and non-contagious diseases including, but not limited to, AIDS, AIDS-related complex, epilepsy, and tuberculosis can be classified as a disability.
- v. **EXAMPLES OF ACCOMODATIONS** are additional copies of handouts or supplementary materials for readers, note takers, and interpreters; enlarging and photocopying reading materials; extra time during writing assignments and tests; allowing; utilization of a distraction-free testing environment in a supervised environment; alternative seating arrangements in a classroom or lab; alternative access to course content, such as a video and audio recordings; additional time for tutoring or other services; and other accommodations deemed reasonable by the College.
- vi. **RETALIATION** is any action, by any person, that is perceived as: intimidating, hostile, harassing, retributive or violent that occurred in connection to the making and investigation of the report.

**c. Accommodation Requests**

- i. A student must disclose their claim of disability and request for accommodations to the Coordinator of Counseling and Disability Services through a formal consultation. While a student is free to disclose his or her condition and request to instructors or staff, and while instructors or staff is encouraged to refer such disclosures to the Coordinator, a student must not rely on disclosures to persons other than the Coordinator.
- ii. At the initial consultation, students should provide current and valid documentation of the claimed disability. This documentation must specify the nature of the disability, how the disability affects the student in a college environment, and recommendations for accommodations to remediate competitive disadvantage. Examples of current and valid documentation include, but are not limited to: written assessment completed by a licensed or certified professional qualified to evaluate the disability or a written evaluation based on assessment reports from the student's most recent secondary or post-secondary school.
- iii. A student who believes they may have a disability that is undiagnosed, undocumented or insufficiently documented should consult with the Coordinator for referral assistance. The Coordinator may choose to perform IQ testing to validate an undocumented disability.

**d. Review and Determination of Request**

- i. Reasonable accommodations are provided on a case-by-case basis for otherwise qualified students who disclose a disability that causes significant functional limitations in a college setting. The accommodations may vary from class to class depending on course content

and format. The College is not required to make an accommodation that substantially alters essential elements of a course or program.

- ii. The Coordinator of Counseling and Disability Services will review all documentation, the student's prior disability-related services and other pertinent information to determine appropriate accommodations. The Coordinator may also consult confidentially with the person(s) assessing the student's disability and those College officials who the Coordinator deems necessary.
- iii. If the Coordinator finds the student eligible for accommodations, the Coordinator will discuss their findings with the student during a formal consultation.
- iv. Upon final agreement to the terms of accommodations, the student must sign a VISA form. The VISA form lists granted accommodations and gives the Coordinator permission to share confidentially with necessary College personnel information regarding the student's accommodations.
- v. It is the student's responsibility to meet with their instructor(s) or appropriate College personnel to coordinate the implementation of accommodations.
- vi. If the Coordinator finds the student ineligible for accommodation, or if a requested accommodation is denied the student will be notified through a formal consultation. The student may then choose to appeal the Coordinator's decision.
- vii. Faculty, instructors, staff and administrators are situated to play an important role in this process. They are encouraged to refer to the Coordinator students who disclose a condition that may be disabling or who request an accommodation. Such persons may be asked to participate in identifying and assessing possible accommodations. Such persons shall keep confidential all such information regarding the student, and shall implement the accommodation(s) deemed reasonable. Faculty, instructors, staff and administrators with concerns or questions regarding a disability or its accommodation should bring these concerns or questions to the attention of the Coordinator as soon as possible.

**e. Accommodation Appeal Procedures**

- i. If a student's request for an accommodation is denied by the Coordinator of Counseling and Disability Services, the student is afforded the right to appeal.
- ii. A student must submit an Accommodations Appeal Form to the Associate Dean of Students/Section 504 Coordinator within five business days of the denial.
- iii. The Associate Dean of Students/Section 504 Coordinator will respond to the appeal within five business days with a decision

**f. General Grievance Procedures**

- i. Terra State Community College encourages those who have experienced any form of disability discrimination, harassment or retaliation should report the incident as soon as possible after the incident(s) in order to be most effectively investigated. All reports and complaints of discrimination will be promptly investigated and appropriate action will be taken as expeditiously as possible.
- ii. The College will make reasonable efforts to protect the rights of both the complainant and the respondent. The College will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witness(es) in a manner consistent with the College's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations by required law.
- iii. The College reserves the right to investigate and resolve a complaint or report of discrimination regardless of whether the complainant ultimately desires the College to pursue the complaint. In such cases, parties shall be informed of the status of the investigation at reasonable times until the College's final disposition of the investigation.

- iv. Anonymous complaints will be accepted; however, Terra State Community College's ability to obtain additional information may be compromised and the ability to investigate or resolve anonymous complaints may be limited.
- v. When a complaint is received, the College will take appropriate corrective action in an expeditious manner. Any investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstance(s). When meeting with the investigator, information will be provided about the policy on equal opportunity and the complaint process.
- vi. When the investigation is completed, the College will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of the investigation. If it determined that inappropriate conduct has occurred, the College will act promptly to eliminate the offending conduct and where it is appropriate, to impose disciplinary action through appropriate due process procedures.
- vii. Intentionally making a false complaint or report of disability discrimination is a violation of this policy and constitutes misconduct subject to disciplinary action, and may also be a crime.
- viii. In addition to the above options, if you believe you have been subjected to discrimination, you may file a formal complaint with any or all of the government agencies set forth below. Using the College's complaint process does not prohibit you from filing a complaint with these agencies.

**1. THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

Detroit Field Office

Patrick V. McNamara Building, 477 Michigan Avenue, Room 865, Detroit, MI 48226

1-800-669-4000

**2. OHIO CIVIL RIGHTS COMMISSION**

Toledo Office

1 Government Center, Room 936, Toledo, OH 43604

(419)-245-2900

**3. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS**

Cleveland Office

600 Superior Avenue East, Suite 750, Cleveland, OH 44114

(316)-522-4970

**g. Investigative Procedure**

- i. A complainant may initiate the investigative procedure by filing a complaint with the Section 504 Coordinator describing the details of the alleged harassment or discrimination. Upon receipt of such a complaint, the Section 504 Coordinator will promptly conduct an investigation to determine whether the complaint can be substantiated, and, if so, whether it can be effectively remediated or resolved by the Coordinator. If necessary, the Coordinator will take appropriate temporary measures to address the complaint pending further investigation.
- ii. An investigation may include any of the following: interviews of the parties involved, including witnesses, and the gathering of other relevant information. Both the respondent and complainant may present witnesses and other evidence.
- iii. At any time during the investigation, the investigator may recommend that interim protections or remedies for the parties involved or witnesses be provided by appropriate College officials. These protections or remedies may include separating the parties, placing limitations on contact between parties, suspension, or making alternative workplace or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation.

- iv. If the investigation determines the claim is likely to be substantiated, and if the respondent is a student, the formal process will utilize the Student Discipline Committee, the hearing process outlined in Article G of the Student Code of Conduct.
- v. If the investigation determines the claim is likely to be substantiated, and the respondent is an employee, the Corrective Action policy will apply.
- vi. In most circumstances, the investigative process shall be completed within 60 days of the initial written complaint.

**h. Confidentiality**

- i. All College employees, excluding licensed professionals from the College Counseling Center, must report discrimination. Therefore, individuals who wish to discuss a situation in complete should work with an individual from the Counseling Center. Because the content of discussions with confidential resources is not reported to an office of record, such discussions do not serve as notice to the College to address the alleged discrimination.
- ii. All inquiries, complaints, and investigations are treated with discretion. Information is kept confidential as law and College policy permit. However, the identity of the complainant is usually revealed to the person(s) accused of such conduct. Participants in the investigative process are asked to keep any information they have or may learn as confidential as practicable.
- iii. The College shall protect the privacy of individuals involved in a report of discrimination to the extent allowed by law and College policy. Confidentiality is an aspiration but is not always possible or appropriate. Confidentiality needs to be balanced with the legal obligation of the College to ensure a working and learning environment that is free from discrimination and the due process rights of the respondent to be informed of allegations and their source. Therefore, some level of disclosure may be necessary to ensure a complete and fair investigation.

**i. Special Provisions**

- i. **Attempted violations** - The College may treat attempts to commit any of the violations listed in this policy as if those attempts had been completed.
- ii. **The College as complainant** – As necessary, the College reserves the right to initiate a conduct complaint, to serve as the complainant, and to initiate conduct proceedings without a formal complaint by the alleged victim or complainant.
- iii. **Third Party violations** – Discriminatory conduct by third parties, who are not themselves employees or students at the College (e.g., a visiting speaker or members of a visiting athletic team), may also be of a sufficiently serious nature to deny or limit a student's ability to participate in or benefit from the education program. As such, if the College knows or should know of the harassment, the College is responsible for taking prompt and effective action to eliminate the hostile environment and prevent its recurrence.
  - 1. The type of appropriate steps taken by the College will differ depending on the level of control the College has over the third party. For example, if athletes from a visiting team harass the home college's students, the home college may not be able to discipline the athletes. However, it could encourage the other school to take appropriate action to prevent further incidents or choose not to invite the other school back.
  - 2. Third party visitors to campus may also be the subject of discrimination and are entitled to utilize the processes and procedures outlined in this policy.

Resources

**1. TERRA STATE DISABILITY SERVICES**

Building B, Room 105  
 419.559.2139  
<https://www.terra.edu/disabilityservices>

**2. THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

Detroit Field Office  
 Patrick V. McNamara Building, 477 Michigan Avenue, Room 865, Detroit, MI 48226  
 1-800-669-4000  
<https://www.eeoc.gov/field-office/detroit/location>

**3. OHIO CIVIL RIGHTS COMMISSION**

Toledo Office  
 1 Government Center, Room 936, Toledo, OH 43604  
 (419)-245-2900  
<https://civ.ohio.gov/about/regional-offices/ToledoRegionalOffice>

**4. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS**

Cleveland Office  
 600 Superior Avenue East, Suite 750, Cleveland, OH 44114  
 (316)-522-4970  
<https://www2.ed.gov/about/offices/list/ocr/addresses.html>

Definitions

<b>Term</b>	<b>Definition</b>
<b>COMPLAINANT</b>	is the individual making an allegation of a violation of College policy.
<b>PERSON WITH A DISABILITY</b>	is any person who: (1) has a physical or mental impairment which substantially limits one or more of the such person’s life activities; (2) has a record of such impairment; (3) is regarded as having such an impairment; or (4) is otherwise deemed disabled under applicable federal or state law. With respect to post-secondary education, a qualified person with a disability is one who, with or without accommodation, meets the standards for admission to or participation in an educational program, services, or activity.
<b>REASONABLE ACCOMODATION</b>	are modifications or adjustments to the tasks, environment or to the way things are usually done that enable individuals with disabilities to have an equal opportunity to participate in an academic program or a job (U.S. Department of Education, 2007)
<b>RESPONDENT</b>	is the individual charged with an alleged violation of College policy.
<b>RETALIATION</b>	is any action, by any person, that is perceived as: intimidating, hostile, harassing, retributive or violent that occurred in connection to the making and investigation of the report.

*Approval History*

<i>Date</i>	<i>Policy/Procedure or Entire Document</i>	<i>Notes (Types of Actions)</i>	<i>**Approved by</i>
4/23/2014	Entire Document	Issued	Unknown
4/24/2023	Entire Document	Placed into new template Updated titles and names	Tim Shaal, Dean of Student Success

\*\*Full name of CASA Committee Chair, signatory, or designee

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