

## ACCESSIBLE EDUCATION SERVICES ACCOMMODATIONS POLICY AND PROCEDURE

LMU is committed to providing accessible educational support services to enable students with disabilities to participate in, and benefit from, all University programs and activities. Every effort is made to reasonably accommodate the needs of a student with a disability. It is important for students to understand that it is the student's responsibility to request accessibility services at a post-secondary institution, and timely requests for services are imperative for the best possible outcomes in seeking and receiving reasonable accommodations. Our mission is to work with you as a team to remove barriers that may hinder your ability to fully participate in the academic experience at Lincoln Memorial University.

Accessible educational support services are administered by the Office of Accessible Education Services. Any issues related to accessibility, the Americans with Disabilities Act ("ADA"), or Section 504 of the Rehabilitation Act of 1973 ("Section 504") should be directed to:

Dr. Daniel Graves  
Lincoln Memorial University  
6965 Cumberland Gap Parkway  
Harrogate, TN 37752  
Office Location: DAR 309B  
Phone: 423.869.6587  
[daniel.graves@LMU.net](mailto:daniel.graves@LMU.net)

### **Procedure to Request an Accommodation:**

The following procedure must be followed in order for any student with a disability to be considered for accommodations through Lincoln Memorial University:

1. Accommodations must be requested by the student **EACH** semester. To request an accommodation, the student must submit a Student Request for Accommodations form and the required medical documentation to the Office of Accessible Education Services by the following deadlines: **September 1 (fall semester); February 1 (spring semester); June 1 (summer semester)**. Accommodation requests will be considered after the deadline only if the disability first presents itself after the corresponding deadline, but in any event no fewer than fourteen (14) days preceding the requested effective date of the accommodation.
2. Upon receipt of a student's request for accommodations, the Director of Accessible Education Services will contact the student to discuss specific accommodation needs and request any additional information necessary to make a determination on the student's request.
3. If accommodations are approved, a Student Accessibility Form listing the accommodations for that semester will be provided to the student. The student must have each faculty member for that semester review and sign the form. The student must return the signed form to the Director of Accessible Education Services.

4. Accommodations will not be provided until the Director of Accessible Education Services has received the Student Accessibility Form signed by the student and each faculty member. Accommodations are not retroactive, so it is extremely important that students return the signed Student Accessibility Form as soon as possible.
5. If accommodations are denied, the student may appeal the decision by following the grievance procedure listed below.

**\*\*Accommodations remain in effect only for the academic semester in which the accommodations are granted. THERE ARE NO AUTOMATIC RENEWALS OF ACCOMMODATIONS. Students must request accommodations for each semester by following the procedure outlined above.\*\***

### **Documentation Requirements**

Students requesting accommodations or services from LMU because of a disability are required to submit sufficient documentation to determine eligibility for those accommodations or services in accordance with Section 504 and the ADA. A diagnosis of a disability does not necessarily qualify a student for academic accommodations under the law. To establish that a student is covered under Section 504 and the ADA, the documentation must indicate that the disability substantially limits a major life activity. If academic or classroom-based adjustments and/or accommodations are requested, learning must be one of the major life activities affected. Students requesting services for the manifestations of multiple disabilities must provide supporting documentation for all such disabilities.

LMU will determine eligibility for and appropriateness of requested services on a case-by-case basis based on the adequacy and completeness of the documentation submitted. **If the documentation is incomplete or inadequate to determine the extent of the disability or reasonable accommodation, the University has the discretion to require additional documentation. Any costs incurred in obtaining additional documentation shall be incurred by the student.** In general, it is not acceptable for such documentation to include a diagnosis or testing performed by a member of the student's family or by a member of the LMU Office of Mental Health Counseling. Evidence that a student has received prior accommodations, either at LMU or another institution, is not considered adequate or complete documentation.

LMU will make the final determination as to whether appropriate and reasonable accommodations are warranted and can be provided. LMU reserves the right to request reassessment of the student's disability when questions arise regarding previous assessment, provision of services or accommodations, or when the student requests additional services or accommodations above and beyond what has been previously provided to the student.

The following documentation requirements provide students, schools, and professional diagnosticians with a common understanding of the components of documentation that are necessary to validate the existence of a disability, the impact on the individual's educational performance, and the need for academic accommodations for purposes of the ADA and Section

504. Students are encouraged to provide these documentation requirements to their medical professional to ensure that all requirements are met and to facilitate a timely response to the student's request for accommodation.

- 1) A Qualified Professional Must Conduct the Evaluation - Students must provide diagnostic documentation from a licensed clinical professional (e.g., medical doctor, psychologist, neurophysiologist, education diagnostician, etc.) who specializes in a field consistent with the diagnosis and who is familiar with the student's medical history and functional implications of the impairments. The documentation must be provided on the professional's letterhead or official medical record and include the professional's full name, license number, certifications, the facility at which the professional practices, the date, and signature of the professional. The professional should not be a member of the student's family or a member of the LMU Office of Mental Health Counseling.
- 2) Documentation Must be Current - Reasonable accommodations are based on the current impact of the disability on the student's daily life activities and/or academic performance. In most cases this means that a diagnostic evaluation should be age appropriate, relevant to the student's learning environment, and show the student's current level of functioning. If documentation does not address the student's current level of functioning, a re-evaluation may be required.
- 3) Documentation Must Include a Specific Diagnosis - The report must include a clear and direct statement that a disability does or does not exist. Terms such as "learning difficulty," "appears," "suggests," or "probable" do not support a conclusive diagnosis.
- 4) Documentation Must be Comprehensive - The documentation must include a summary containing relevant historical information, instructional interventions, related services, and age of initial diagnosis. Documentation relative to a learning disability, ADD/ADHD, or psychological disability must also include objective data regarding aptitude, achievement, and information processing as indicated in the Student Request for Accommodation Form. Documentation relative to dining service accommodations must include specific dietary restrictions and/or food allergies for which an accommodation is being sought.
- 5) Recommendations for Accommodations - The documentation must include specific recommendations for accommodation(s). A prior history of an accommodation, without a demonstration of a current need, does not in and of itself warrant the provision of that accommodation. Each accommodation recommended by an evaluator should include a medical-based rationale. The evaluation should support the recommendations with specific test results or clinical observations. If an accommodation is not clearly identified in the diagnostic report, LMU has the right to seek clarification and/or additional information from the student's physician.

### **Temporary Accommodations**

In the event that a student has a temporary disabling condition, the student may request temporary accommodations utilizing the process and documentation requirements set forth above. Temporary accommodations remain in effect until the student's medical professional has indicated the accommodations are no longer necessary or the end of the academic semester, whichever comes first. If the temporary disabling condition persists into the following semester, the student must again request accommodations following the procedure set forth above.

If a student requires a temporary parking pass because of a temporary disabling condition, the student may request a Temporary Disabled Permit through Lincoln Memorial University's Campus Police and Security or online at <https://www.emailmeform.com/builder/form/F040Pokb2bH7r1>. All students requesting a Temporary Disabled Permit must also complete the application for a temporary parking placard through the State of Tennessee.

### **ADA/Section 504 Grievance Procedure**

The following procedure must be followed for all grievances concerning disability-related matters including, but not limited to, a request for accommodation, the provision of accommodations, or access to facilities. Students may make a complaint about:

- A determination regarding a requested service or accommodation;
- Administration of a requested service or accommodation;
- Inaccessibility of a university program, activity, service, or facility;
- Harassment on the basis of disability in violation of university policy; or
- Any other alleged university violation of the ADA or the Rehabilitation Act.

The university encourages individuals to utilize this procedure before pursuing remedies outside the university. Students have the right to file a complaint directly with the Office of Civil Rights of the United States Department of Education.

- A. Informal Grievance:** Individuals who believe they have been denied access, denied a requested accommodation, or who otherwise disagree with an approved accommodation are encouraged, but not required, to first discuss their concern with the Director of Accessible Education Services before filing a formal grievance. A conversation with the Director may resolve the concern quickly.
- B. Formal Grievance:** All student grievances concerning the ADA or Section 504 should be filed with Blaze Bowers, Assistant Vice President for Academic and Student Support Services, within fifteen (15) business days of the decision or occurrence which is the subject of the grievance. Grievances filed outside the fifteen-day time frame will be considered only upon a showing of extenuating circumstances relating to the

individual's inability to file the grievance within the required time frame. The grievance may be filed using the Accessible Education Services Grievance Form, or by contacting Blaze Bowers either by phone (423.869.6315) or email ([Blaze.Bowers@lmunet.edu](mailto:Blaze.Bowers@lmunet.edu)). Mr. Bowers shall conduct a full investigation of the student's Formal Grievance. This thorough and objective review will involve meeting with the aggrieved student, and may also involve meeting with various LMU personnel. Mr. Bowers shall allow all involved parties an opportunity to make statements, present witnesses, and submit evidence regarding the subject of the grievance. Within fifteen (15) business days of receipt of the grievance, Mr. Bowers shall render a written decision utilizing a preponderance of the evidence standard. The decision will be emailed to each party at the party's university email address or to the last known mailing address if a party no longer has a university email address.

**C. Appealing a Formal Grievance decision:** Individuals may request to appeal a Formal Grievance decision. Requests should be filed with the Chair of the ADA Appeals Committee, Jody Goins, within fifteen (15) business days of the date of the formal grievance determination. The Appeal may be requested using the ADA Grievance Appeal Request Form, or by contacting Dr. Goins either by phone (423.869.6725) or email ([jody.goins@lmunet.edu](mailto:jody.goins@lmunet.edu)). The Chair of the Committee shall review the request and make a determination to grant or deny the request. Requests will only be granted for the following reasons:

1. New evidence is now available which was not available at the time of the original decision and that evidence, if available at the time of the original decision, would likely have changed the original decision; and/or
2. A procedural error was made in the formal grievance process.

The Chair shall notify the aggrieved party in writing if the ADA Grievance Appeal Request is denied. If the Request is granted, the ADA Appeals Committee shall meet within seven (7) business days to review the Formal Grievance Appeal Request and all of the evidence submitted at the formal grievance stage. The Committee shall issue a written decision within fifteen (15) business days of the meeting of the Appeals Committee. The decision will be emailed to each party at the party's university email address or to the last known mailing address if the aggrieved party is a third-party or where a party no longer has a university email address. The decision of the Appeals Committee is final.

Effective: July 2017; revised 4/21