

**Fourth Draft**  
Access Services DTF Report  
The Evergreen State College

August 16, 1993

DTF CHARGE

In October 1991, Vice President for Student Affairs Carolyn Dobbs charged the Access Services DTF to complete the following work:

1. To review services being provided at The Evergreen State College, to research types and level of services provided by other colleges, and to identify problem areas or known deficiencies;
2. Based on this profile to define policy statements that can be used to provide adequate and reasonable accommodation for students with disabilities at The Evergreen State College;
3. To the extent feasible, to recommend procedures and training/development strategies for staff and faculty that will enable the College to implement the policy;
4. To identify existing and future needs, goals, and directions that the College should address in order to prepare a long-range plan for serving students with disabilities effectively.

BACKGROUND

Congress has provided the groundwork for prohibiting discrimination in employment, programs and services of public accommodation, mass transit, and other areas where such discrimination occurs, on the basis of disability. Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 cover most issues relevant to higher education (applicable sections of both documents are included in the appendix of this report). The DTF believes that in addition to compliance with the federal laws, the policy of The Evergreen State College needs to recognize the special challenges of the institutions' non-traditional academic setting.

The full text of both documents are available in the Office of Access Services.

POLICY STATEMENT RECOMMENDATION

The DTF recommends the following policy statements: The Evergreen State College commits to the development of a well-considered,

comprehensive, and well coordinated system of educational support for students with disabilities. Our approach is designed to be holistic and to empower students by promoting self-reliance, effective problem solving skills, and enhanced academic and personal development. We commit to providing students with disabilities the same opportunities as their non-disabled peers--an opportunity that allows students with disabilities to be evaluated on the basis of their ability rather than disability<sup>1</sup>.

The Evergreen State College recognizes the sensitive interactions between issues concerning academic freedom and reasonable accommodation. The college adheres to the guidelines of intellectual freedom and honesty established by the American Association of University Professors.

The DTF recommends the following **Bill of Rights** for students with disabilities:

The Evergreen State College is committed to an institutional culture which is sensitive to and encourages attendance by persons with disabilities. In order to enact this ideal, we pledge that:

1. Students with disabilities shall enjoy equal access to education.
2. Students with disabilities shall enjoy access to any course or course of study at the college; no one may be excluded based on disability.
3. Program requirements may be modified in certain instances to ensure full participation by students with disabilities.
4. Classes will be relocated to accommodate students with mobility impairments if they are scheduled in inaccessible classrooms.
5. Course materials will be provided in alternate formats when necessary.
6. Alternate methods of testing and evaluation will be made available in all programs offered by the college for students with requirements for such methods.
7. Auxiliary aids will be made available by the college for students with impaired sensory, manual or speaking skills.

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<sup>1</sup>The term disability as used in this report means physical and sensory disabilities, including learning disabilities, as specifically defined by the Americans with Disabilities Act of 1990.

8. Alternate methods of course registration will be provided for students for whom regular registration is difficult.

#### RECOMMENDED ACCESS SERVICES PROGRAM

##### **Services**

The DTF recommends an Access Services program that offers a comprehensive and interrelated system of services designed to enhance the academic and personal development of students. The Director of Access Services serves as the focal point and coordinates with faculty, staff, students, and volunteers to provide the following services:

**Disability verification:** A disability may be verified in two ways. One, students may submit the results of an assessment completed within the preceding three years. This assessment may be from any authorized source (e.g., psychologist, medical doctor, educational psychologist). In addition, any student registered at The Evergreen State College may request a referral to a disability specialist or diagnostic center. In order to be certified as "disabled" the student must meet the official criteria as specified under state law (RCW 49.60) or by the Americans with Disabilities Act of 1990.

**Diagnostic Testing:** The college is committed to providing referral services for students who suspect that they may have a learning disability. Students who have a prior diagnosis but need to be reevaluated or obtain clarification may also ask for a referral.

**Academic Testing Accommodations:** Testing accommodations for students with disabilities may be negotiated directly with faculty or facilitated through the Office of Access Services. Students with specific needs may arrange for deadline extensions, alternate formats for written materials, oral exams, or other reasonable accommodations. In certain cases this could include accommodation for college proficiency and placement tests.

**Registration:** Both early registration and assistance in all facets of the registration process can be arranged through the Office of Access Services. Students with particular needs should initiate the request two months before each registration period. Late requests will be considered but students are encouraged to recognize that the Office of Access Services must have adequate notice to comply with any requests for services.

**Notetakers:** Notetaking services are available through the Office of Access Services.

**Reading Service:** Books on Tape are supplied directly through the Office of Access Services, which coordinates with Volunteer Services, community agencies, and various community members.

**Non-Print Materials:** The Timberland Library, the TESC Library, and the Office of Access Services together have a collection of books on tape that are available for use by students.

**Computer Center:** The computer Center provides students with access to computing resources. In addition to general systems in the labs and cluster areas some specialized resources are available to students with disabilities. Professional staff can provide focused and extended training and troubleshooting on these specialized hardware/software systems. Likewise, professional staff can facilitate access to these resources, reserve time, or assist in the planning of support for individual academic needs. Due to the specialized configurations and low usage levels of these systems, students are encouraged to make prior arrangements with staff members for initial training.

**Counseling:** A counselor is available to assist students in developing appropriate learning strategies, as well as to facilitate a peer support group.

**Educational Support Specialists:** A group of trained students in the Learning Resource Center function as peer educational support specialists. These specialists meet individually with students on a regular basis to assist in such areas as writing papers, studying, and taking tests.

**Career Planning and Placement:** The Office of Access Services and the Career Planning and Placement Center at the college work cooperatively in an effort to assist students in planning and attaining their career goals.

**Conferences and Workshops:** The Office of Access Services and The Union of Students with Disabilities conduct conferences, workshops, training, and educational events on varied aspects of the field of disabilities.

## **RESOURCES AND STAFFING**

The DTF is fully aware of the serious financial constraints facing the college as well as the state, our primary funding source. We are recommending an Access Services Program that we believe is best both for Evergreen students with disabilities as well as for the institution. We acknowledge that portions of this report will not be realized immediately, though we recommend that the administration move as quickly as possible toward full implementation. Establishing a workable, specific time-line to



discuss, prioritize, and implement these recommendations is a clear priority at this point.

Currently Student Affairs administers and funds the operation of the Access Service Office, Academics funds the costs of auxiliary aids, and Finance and Administration funds, through capital budget appropriation, remodeling of existing facilities and new construction. The DTF recommends that the allocation for auxiliary aids be moved from Academics to Student Affairs so that the Director of the Access Services Program has full responsibility and control over the resources. In order to implement this recommendation an agreement should be developed which outlines how budget deficits or excesses will be handled in each fiscal year.

The DTF has made note of the fact that staffing for the Access Services Program is problematic in a time when other campus services are being cut back. However, it is our belief that in order to comply with federal law and provide at least a minimum level of services, the Access Services Office should be staffed at least at the current level. Furthermore, it is evident that an increase in staffing will be both desirable and necessary in the immediate future.

Staff members in the Access Services Office, including but not limited to a Director, should be able to: 1) contract and supervise the services previously detailed in this document; 2) have or achieve a consistent, detailed knowledge of changes in state and federal law; 3) advocate for and be aware of the needs of the disability community on campus; 4) provide evaluation, assessment, and referral services; 5) maintain appropriate confidentiality of student records.

#### **ADA COMPLIANCE COMMITTEE/ACCESS ADVISORY COMMITTEE**

The DTF recommends and the Americans with Disabilities Act requires that the institution appoint a Compliance Committee to address campus-wide accessibility issues on an on-going basis. The functions of such a committee should include: 1) identification and prioritization of remedial work to be completed through capital budget funding; 2) assistance in analysis and decision for tradeoffs between remodeling and rescheduling; 3) providing input and review of designs for proposed building construction projects and new exterior construction projects where appropriate.

The committee should include student, staff, and faculty representatives, some of whom should be disabled, and should include the following: Director of Access Services, Coordinator of the Union of Students with Disabilities, Affirmative Action Officer, Budget Officer, Vice President for Student Affairs, and a member of an off-campus organization which serves the disability community; a representative from Facilities should be an ex-officio member.

The DTF recommends that the institution also appoint an Advisory Committee to assist the staff of the Access Services Program. The functions of such a committee should include: 1) development of overall philosophy and operating plans of the Access Services Program; 2) design and completion of surveys and studies as needed; 3) providing advice to the Director of Access Services regarding implementation of policy and procedures; 4) serve as advocates and information sharers for the Access Services Program; and 5) contacting and involving input from other service organizations such as the Easter Seal Society and the Department of Vocational Rehabilitation, etc.

## **FACILITIES ACCESS**

The DTF recommends the college establish a policy stating that it is the goal of the institution to meet the actual needs of the disability community in terms of physical access. This would mean building, or modifying existing structures, with the goal of allowing unhampered, independent access. In some cases this may require exceeding the specifications of current building code requirements. The DTF acknowledges that this policy may not be justifiable in all cases, but also notes that issues of access should be an important consideration in all campus projects.

The DTF specifically recommends that:

1. The college provide more information to the campus community on access issues. Information about accessible routes through and to different facilities should be updated and distributed in the form of maps, videos, audio tapes, etc.
2. The college clearly establish administrative responsibility for the required ADA self-evaluation process.
3. The college complete the facilities surveys required for capital budget requests and to conform to the ADA architectural barrier removal plan.
4. The college use the ADA requirement to complete architectural barrier changes by January 26, 1995 as a lobbying strategy for the upcoming capital budget request process.

## **EDUCATION AND TRAINING**

Students with disabilities in the higher education system face many obstacles. The DTF made particular note of the fact that there is a pervasive and immediate need for education about the legal and social ramifications of disability issues. Long-term and mandatory programs of education and training on the part of major social institutions are absolutely essential.

The Evergreen State College faces a special version of this general

problem, because it presents itself as a progressive and socially responsive institution of higher education. When Evergreen in some way fails to recognize or support the cultural significance and diverse needs of one portion of the student population, and the group in question is protected from discrimination by federal law, affected people are justifiably resentful.

It is the belief of the DTF that all campus constituencies be provided with basic training or information on the requirements of the Americans with Disabilities Act, and that these training sessions or briefings are delivered in a regular and consistent manner. Community members should be given accurate information on the specific makeup and general needs of TESC students with disabilities, and how and why it is possible to provide genuinely equal educational opportunities.

The campus constituencies that require education and training include faculty, staff, and students. Multiple, distinctive strategies and repeated implementation will be needed to adequately reach all three groups. To some extent, students with disabilities themselves represent a constituency in need of information about the services available and the ways that they may be accessed. Consideration should be given to one-on-one training, small group sessions at faculty and staff retreats, integration and recognition in academic programs, and inclusion of disability issues and studies in training sessions on multiculturalism.

The following is one model of how this training could be accomplished: bring in an outside trainer, one who is expert in higher education implementation of the ADA. Use this trainer to bring a campus group up to speed on the applicable laws and regulations. Utilizing this training and information gathered from other higher education institutions, charge this trained group to organize and offer training to all constituency groups on campus. This process should be a cooperative effort among all campus divisions with Human Resource Services representing staff, Student Affairs representing students, and Academics representing the faculty.

#### **FINANCIAL AID POLICY**

The DTF recommends that the Vice President for Student Affairs coordinate with the Dean of Enrollment Services and the Director of Financial Aid to review current award policies, explore policies and procedures at other institutions, facilitate discussions on these policies, and propose changes, if appropriate, to the current financial aid policies and procedures. The following issues have been identified as critical to this process:

1. The college needs to develop and implement procedures to ensure that Financial Aid staff coordinate with staff in Access Services so that students with disabilities receive all

necessary information and assistance in obtaining the financial aid for which they are eligible. Additionally, some disabled students may need particular accommodations in gaining access to the office. For instance, some students may need to schedule appointments outside of regular office hours or conduct business by phone.

2. Discussion needs to occur regarding a student's ability to carry a full credit load and how this might affect individual financial aid awards, with the understanding that certain loan and grant programs are governed by strict federal regulations. Other programs, specifically institutional academic scholarship awards, should be available to all students regardless of physical ability.
3. Staff members in the Office of Financial Aid should be aware of other resources for disabled students; a resource list of agencies should be kept in the office. It appears that DVR, for instance, while providing monetary help, does not widely advertise this option.
4. It is important to keep in mind the specific challenges faced by disabled students as they leave college and secure employment. The Evergreen State College should charge the Development Office, in conjunction with the Director of Access Services, to apply for grants that would replace loan debt in financial aid packages and decrease borrowing. Disabled students should also be encouraged to apply for the institutional cultural diversity scholarships already available.
5. This review needs to include discussion of how financial aid policies are established and implemented, including clarification of what latitude the institution has in setting the policies, taking into consideration the state and federal laws and regulations.

All of the above, and more, would greatly increase the likelihood of retention of students with disabilities. All institutions and funding agencies are at the crossroads of accommodation issues. Evergreen could be instrumental in looking ahead academically as well as financially on accommodation issues. Any projection or expectation of future needs would be useful information for lobbying purposes at the legislative level.

#### **GRIEVANCE AND APPEALS PROCESS**

The DTF believes that all activities and interactions of Evergreen community members are guided by the college's Social Contract. To that end the Social Contract is the framework under which this policy should operate. Although this document deals primarily with services for students with disabilities, it also provides the framework for dealing with conflicts between students with



disabilities and others whose actions may interfere with the full academic and social involvement of disabled students on campus.

As part of the process of requesting and receiving services, students with disabilities must have open access to the Policies and Procedures Manual of the Office of Access Services. This manual must be available through a number of sources on campus (i.e. the Access Office, the Affirmative Action Office, student services, the Union of Students with Disabilities, etc.) and in a number of formats such as regular print, large print, audio, high contrast, etc. Forms to be used for filing a complaint should be included in the policies and procedures packet.

The Director of Access Services is responsible for processing all requests for services for students with disabilities. S/he serves as advocate for the students and works directly with campus units and individuals to arrange for services. In the event that the Director is not able to arrange for requested services, students with disabilities have a number of options to pursue. The parties involved in resolving disagreements associated with the anticipation or denial of services should commit to addressing these issues as quickly as possible in order to minimize the disruption of the student's academic progress.

#### Optional Processes to Resolve Access Disputes

The resolution processes that follow identify a range of options from seeking clarification to mediation to filing a formal complaint with the Affirmative Action Officer. An individual may choose to pursue any or all of these options. **These are not steps that need to be pursued sequentially. Rather, they are a range of types and degrees of action.**

A. Information

A student may obtain information about rights, responsibilities, and process from the Director of Access Services, the Vice President for Student Affairs, or the Affirmative Action Officer.

B. Advice from Affirmative Action Officer

A student may obtain information without filing a complaint. The Affirmative Action Officer maintains a neutral position and should in no way be considered an advocate for either party. The Affirmative Action Officer provides clarification and information to all individuals who request it. Records will be kept by the Affirmative Action Officer regarding date and time of contact, constituencies of the parties, and resulting action taken or not taken. No names or specific characteristics of the situation will be kept, ensuring a minimal form of institutional record keeping while still protecting the privacy of the individual.

C. Direct Resolution

A student may work directly with the service provider or

through the Director of Access Services to reach an agreement on what services will be provided. The Director serves as advocate for the student. This requires no intervention by the Affirmative Action Officer. No records will be kept other than by the Director regarding the agreement reached for providing services.

D. Verbal Notification

A student may seek the assistance of the Affirmative Action Officer to notify the service provider that a problem has been identified. In this situation the Affirmative Action Officer does not mediate but merely informs the service provider of a perceived violation of the access policy. The verbal complaint must be specific and clear. The Affirmative Action Officer must reveal the name of the person who has brought the concern forward. Records will be kept by the Affirmative Action Officer regarding date and time of the complaint, constituency of both parties, and resulting action taken or not taken. No names or specific characteristics of the situation will be kept.

E. Mediation

A student may seek the assistance of the Campus Mediator, the Director of Access Services, or the Affirmative Action Officer to locate a qualified internal or external mediator. If both parties agree to mediation, the mediator maintains a neutral position, provides a safe place for airing issues, and facilitates a discussion that may lead to agreement. Both parties in the mediation have the right to choose an advocate to participate in the process. Resolution is an agreement reached by both sides. Records of resolution agreements will be kept by the Affirmative Action Office.

F. Formal Complaint

Evergreen's policy allows formal complaints to be filed within 300 days of the alleged violation of the access policy. See the next section, Procedures for Filing and Investigating Formal Complaints, for further guidance. Records of formal complaints and their resolutions will be kept by the Affirmative Action Office.

Procedures for Filing and Investigating Formal Complaints

Deadlines cited in this document are intended to serve as outside limits for actions to occur. In the interest of the parties concerned, all matters should be handled as expeditiously as possible.

- (a) Filing a Complaint: Any person may begin formal grievance procedures concerning a violation of the access policy by filing a written description of the alleged violation with the Affirmative Action Office. The Affirmative Action

Officer will provide forms for this purpose. Statements should be detailed, accurate, and truthful, and must include a suggested resolution.

A complaint should be filed as soon as possible after the informal resolution process has been exhausted so that incidents can be investigated and processed more effectively. Individuals should be aware that an investigation becomes more difficult as time passes and facts become harder to substantiate. All cases will be pursued to the extent evidence is available.

- (b) Notification of Principals: The respondent will be notified within three business days by the Affirmative Action Officer that a formal complaint has been made. The Affirmative Action Officer will provide a copy of the written complaint to the respondent.

The respondent is encouraged to provide the Affirmative Action Officer with a written response within seven days of receipt of the complaint. If the respondent fails to or chooses not to answer a charge or participate in an investigation his or her silence or absence will not prevent the process from proceeding. Failure to respond may result in the investigation proceeding solely on the basis of the complainant's testimony and evidence.

- (c) Resolution Conference: The Affirmative Action Officer will contact the complainant and the respondent and request a conference to discuss the complaint, the response, and to clarify the issues and attempt resolution.
- (d) Investigation: It shall be the responsibility of the Affirmative Action Officer to solicit and compile information about the complaint. Both the complainant and the respondent may choose to name a representative to participate in the proceeding; each may suggest witnesses to be interviewed and also submit documents or statements.

The Affirmative Action Office may also solicit information and/or documentation from other units or individuals, as appropriate. The Affirmative Action Officer will make every effort to conduct interviews with witnesses and other parties at times which are convenient for all concerned.

It is the responsibility of all people involved in the information-gathering process to seek out and/or provide truthful and complete information, to remain impartial, and to maintain confidentiality.

If, in the course of the investigation, it is found that false accusations were knowingly made, the Affirmative Action Officer will include evidence of such in the report. This report will then be forwarded by the Affirmative Action

Officer for review by the complainant's appointing authority or the Grievance Officer in the case of students. In the case of faculty, information will be sent to the Provost, and in the case of staff, the hiring authority.

The investigation should be completed within 15 business days. After the investigation is completed, the Affirmative Action Officer shall write a report summarizing the facts of the case. This summary shall contain (1) statement of allegation (2) reply to the allegations by respondent (3) statement of evidence (4) findings. The report, in accessible format, will be forwarded to the parties involved.

If violation of the policy has occurred, sanctions and a rationale for these sanctions will be recommended by the Affirmative Action Officer to the respondent's appointing authority or, in the case of students, the grievance officer. Both parties will be notified of the recommended sanctions.

(e) All written proceedings, including the complaint, the response, testimony of witnesses, and other documentation relating to the complaint, will be placed, in accessible format, in a confidential file in the Affirmative Action Office for a period of six years in order to comply with appropriate statutes of limitations (see WAC Chapter 40.14.060). At the end of the specified time period the file will be returned to the respondent, if he or she can be located. The records will not become part of the personnel file unless this is a stipulated part of the sanction.

A formal investigation can be terminated at any time should a mutually satisfactory resolution be reached before a written finding is made.

### **Sanctions**

In cases where access policy violation has been confirmed, the Affirmative Action Officer shall recommend sanctions to the grievance officer in the case of students, the appointing authority in case of staff, or to the Provost, in the case of faculty.

Sanctions to be considered may vary in type, intensity, and duration, depending on the specifics of each case. Examples of sanctions to be considered are:

- a. termination of employment
- b. suspensions without pay
- c. public acknowledgment or apology
- d. community or public service
- e. letters of reprimand to be placed in employment file or portfolio
- f. attendance at workshops or seminars dealing with disability and access
- g. preparing and/or offering campus seminars or workshops on



- access issues
- h. reduction of responsibilities
- i. a denial or postponement of leaves, sabbaticals, or salary increases
- j. dismissal from the college

Additionally, the results of mediation between the complainant and the respondent may include sanctions agreed upon by all parties.

#### Appeal Process

1. Classified staff may appeal according to the rules of the Higher Education Personnel Board (HEPB).
2. Administrative and exempt staff may appeal according to the procedures outlined in the Affirmative Action Policy. Final appeal on the findings rests with The Evergreen State College Board of Trustees as outlined in the Affirmative Action Policy.
3. Students appeal according to procedures in the student conduct code (see Social Contract, WAC 174-120-080).
4. If the sanction is dismissal, faculty may appeal pursuant to the procedures specified in the policy on Mid-Contract Termination with Adequate Cause (WAC 174-122). The appeal would be made at the Faculty Inquiry Committee stage of the process.
5. Faculty appeal for sanctions less than termination should be made to the President.

#### Formal Complaints with External Agencies

The policies and procedures of The Evergreen State College are not intended to impair or limit the right of anyone to seek a remedy available under state or federal law. A complainant may file a complaint with an external agency to meet state and federal agency deadlines without jeopardizing his or her right to a College hearing.

A person who believes that she or he has been the subject of discrimination may choose to file with the following agencies:

Washington State Human Rights Commission  
402 Evergreen Plaza Building  
7th and South Capitol Way  
Olympia, WA 98504

Office for Civil Rights, Region X  
U.S. Department of Education  
915 Second Avenue Room 3310  
Seattle, WA 98174-109

U.S. Equal Opportunity Commission  
2815 Second Avenue Suite 500  
Seattle, WA 98121

#### **SURVEY INFORMATION GATHERED**

Two subcommittees of the DTF worked to gather information for use by the committee in the short-term and for use by the institution for the long-term.

The externally focused subcommittee gathered policy and procedures manuals from a number of other institutions of higher education. Those manuals are on file in the Office of Access Services.

The internally focused subcommittee gathered two kinds of information about Evergreen: 1) what services the college is currently providing to students with disabilities; this information will be used to produce a brochure and a catalog of services for use by students with disabilities; and 2) what problems students with disabilities face when attempting to gain access to campus services; this information will help the Student Affairs Division, the Director of Access Services, and the Compliance Committee in improving the services offered.

#### **OTHER INFORMATION**

The DTF charge from Vice President Carolyn Dobbs specifically referred to services for students with disabilities. Included in the many conversations of the DTF were discussions of the ADA and how it relates to employees of the college. Although this report does not make specific recommendations regarding disabled employees or potential employees, a subcommittee did consider the issue and drafted a position paper. This position paper will be forwarded to Human Resource Services, the Affirmative Action Officer, and others who will be addressing the law as it relates to employees.