CEER Minutes - APPROVED
April 4, 2014
8:30-10:00
Building 7102

Attendees: Laura Schulkind, Shairon Zingsheim, Rob Smedfjeld, Michele McDowell, Barbara Duggal, Ron Travenick, Bob Bradshaw, Sarah Daniels, Leta Stagnaro, Gari Browning

Absentees: Kathleen Johnson, Carmen Madden, Mark Lieu

1. Approval of February Minutes (2/7/14) - Approved
2. Introductions
3. Student Conduct – Laura Schulkind, LCW Attorney
   o Laura Schulkind provided and discussed a 12 page outline on The Rights of Disabled Students and Campus Safety *(See Attachment Below)*
     ▪ Federal Law ADA & Section 504 statutes need to be considered together with the understanding the legislature had the same intent.
   o DSPS personal will determine if the student has a disability
     ▪ The law has lowered the bar on what “Substantial Limitation” which has broadened it’s meaning
     ▪ One or more major life activities such as eating, sleeping, work, learning, etc.
     ▪ Prospection of disability is also protected
   o We are required to provide ACCESS to our quality education, but not change it for a “Qualified handicapped individual”
     ▪ The question about “reasonable accommodation” should be discussed between faculty and DSPS. Faculty needs to determine if accommodation is “lowering learning standards”.
     ▪ “Technical Standards” refers to all non-academic admissions criteria – which means they must meet the standards i.e. “student conduct standards” must be met or they don’t qualify.
     ▪ If a student doesn’t accept reasonable accommodations they are no longer a “qualified” handicapped individual.
   o Duty to Provide Reasonable Accommodations
     ▪ At postsecondary level the burden fall on the individual with the disability to self-identify and request reasonable accommodations, however not “magic words” (buzz words) are required to this start this process.
   o Rules Limiting Participation in College Programs
     ▪ Can’t impose on handicapped students other rules.
   o Addressing the Conduct of Disabled Students
• Apply the same standards of conduct applied to nondisabled students.
• Where discipline is imposed, the same procedural rights as are provided to nondisabled students.

4. Committee members to review various Student Conduct Policies as provided to be discussed at our next meeting.
What are "academic accommodations"?

These are modifications made in an academic setting to afford the student with a disability an equal opportunity to learn in lecture/lab and show what they have learned on tests. The accommodations may not alter the fundamental nature of the course/program or impose an undue financial burden on the institution. The official "Course Outline of Record" represents elements fundamental to the nature of the course/program (per Ralph Black, Legal Counsel, CCCCD, September 1995, March 1997). Examples of common accommodations include: note-taker in class, extra time on tests, and enlarged print.

What are student responsibilities regarding academic accommodations?

To receive an accommodation, the student must request the "reasonable" accommodation in a timely manner. The student must provide the instructor or Disability Support Services (DSS) written documentation of the disability.

What are Southwestern College's responsibilities regarding academic accommodations?

The institution/ia instructional faculty must provide reasonable accommodations to the student with a known disability. The instructor and student discuss the requested accommodation(s) and how the accommodation(s) will be provided. All communications are confidential.

What is the role of DSS in the provision of academic accommodations?

DSS verifies the existence of a disability, functional limitations, and authorizes reasonable academic accommodations according to the Title 5 regulations. This information is found on the SWC "Authorized Academic Accommodations" form. Instructors receive a yellow copy from the student. DSS can help instructors organize and provide accommodations using their standard procedures/forms.

DSS recommends all students choose accommodation requests in the first two weeks of the semester, however, students are not required to do so. DSS can assist when questions arise. DSS is not responsible to provide academic accommodations, it is a faculty/institutional responsibility.

If the student with a disability or faculty have a question and do not wish to use DSS, they may confer with the 504 Coordinator/Dean of Student Activities/Health Services.

Must all students with disabilities work with DSS?

Use of DSS services are voluntary.

What happens if academic accommodations are denied by the faculty?

According to SWC District's Policy No. 6089 and procedures, the instructor should contact the DSS specialist or the 504 Coordinator for advice and/or clarification. If the matter is not resolved in five (5) instructional days, the student can request its review by the College Academic Accommodations Panel. For students whose disabling condition has been verified, the accommodation will be allowed for a maximum of four weeks during which time a resolution will be achieved.

Recent case laws mandate the need for this procedure. While the district is ultimately responsible for providing academic accommodation, an instructor may be held personally liable for not allowing an accommodation. (Wood v. Strickland, 1979; Howe v. Hall, 1994; US v. Morvant, 1994)

What can I do to facilitate academic accommodations?

Include a statement on your course syllabus to encourage early discussion of academic accommodations, e.g., "Southwestern College recommends that students with disabilities discuss academic accommodations with their professors during the first two weeks of class. An alternate format of the syllabus and class handouts is available upon request".