

Disability and the Law

Sioux Falls Seminary is committed to providing equal access and reasonable accommodations for students with physical, psychological, and learning disabilities. In compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA), SFS does not exclude otherwise qualified persons with disabilities, solely by reason of the disability, from participating in seminary programs and activities.

Sioux Falls Seminary is aware of the importance of remaining current with any of the laws regarding the American with Disabilities Act of 1990 and the Americans with Disabilities Amendments Act. Therefore every attempt will be made to keep policies formulated to include any changes that may occur in the law.

Eligibility for Service

A student's eligibility for services at Sioux Falls Seminary is determined by the following criteria:

- Has a mental or physical impairment which substantially limits one or more major life activities
- Provides appropriate documentation of the impairment
- Establishes the need for reasonable accommodations in order to participate fully in campus programs

Sioux Falls Seminary determines eligibility for reasonable accommodations on a case-by-case basis or, at times, course-by-course basis. Therefore, students with the same disability or diagnosis may not receive accommodations or services that are exactly the same.

Confidentiality

All personal information or documentations regarding a student received by SFS is kept confidential as guided by federal law (FERPA). Information is only shared when absolutely necessary with other campus personnel on a "need to know" basis.

Self-Disclosure

Any student with disabilities seeking accommodations must identify their needs to the Kairos Advisor. Sioux Falls Seminary does not have any duty to identify students who may need academic accommodations or services. Disclosure of a disability at the post-secondary level is voluntary.

Rights and Responsibilities

The following information establishes the disability rights and responsibilities for all Sioux Falls Seminary community members. It identifies the rights and responsibilities for our students with disabilities, the Section 504 Coordinator, who directs services and provides guidance regarding all aspects on disability matters, as well as the faculty and staff who represent our learning community. Together, we will strive to work cooperatively to ensure an equal educational opportunity and participation in our programs.

Responsibilities of Students

- Identify your needs to Brandi Pohlmeier, Kairos Advisor, administration office, or call 605-679-0208 or 605-336-6588.
- Follow documentation guidelines specific to your disability and submit to the Kairos Advisor.
- Give adequate notice for services and accommodations.
- Complete intake interview and all necessary office forms (self-disclosure consents for release of information).
- Receive reasonable accommodations or auxiliary aids.

- Inform Kairos Advisor of any changes in your needs such as academic schedule each term or updates in essential contact information (cell phone or local address).
- Notify the Kairos Advisor if an approved academic adjustment/auxiliary aid has not been implemented by instructors or other persons responsible.
- Develop self-advocacy skills and build relationships with faculty and staff and others in our campus community.
- Observe all policies and procedures of Sioux Falls Seminary.
- Treat community members with dignity and respect.

Responsibilities of the Kairos Advisor

- Guide students disclosing a disability through the accommodation process.
- Maintain confidentiality of all student information and files.
- Review documentation to determine if accommodations are appropriate
- Develop student's accommodation plan.
- Prepare accommodation letters for faculty prior to academic sessions.
- Coordinate auxiliary services (ASL interpreters, scribes, readers, note-takers).
- Cooperate with agency personnel who support a student with disabilities if consent for the release of information form has been signed.
- Assist students in developing self-advocacy skills in the graduate school setting.
- Support Sioux Falls Seminary faculty members and staff in implementing accommodation, including clarification of their responsibilities in the event that a student notifies the Kairos Advisor that an approved accommodation/auxiliary aid has not been implemented.
- Educate Sioux Falls Seminary community on disability awareness issues and initiatives.
- Treat community members with dignity and respect.

Responsibilities of Sioux Falls Seminary Faculty and Staff

- Keep accommodation letters in a secure location to maintain confidentiality.
- Implement student's accommodation plan.
- Communicate directly with student to review and clarify any needs.
- Maintain communication with Kairos Advisor if questions arise.
- Treat community members with dignity and respect.

General Documentation Guidelines

Documentation requirements are different at every institution. It is the student's responsibility to know and understand the institution's documentation policy. Briefly, documentation should be current, verify the disability, describe the extent/severity of the impairment, provide information on the functional impact of the disability, and offer appropriate recommendations for reasonable accommodations to the post-secondary institution.

For students with disabilities at Sioux Falls Seminary, the following guidelines are provided in order to ensure that documentation verifies eligibility of a disability and supports any request for reasonable accommodations, auxiliary aids and services. An IEP or 504 plan alone is not acceptable documentation and must be accompanied by other supporting documentation.

Students are responsible for all costs associated with obtaining documentation. Sioux Falls Seminary does not provide any diagnostic services for students with learning disabilities. Use the following checklist for your health care specialist who will be submitting the documentation on your behalf to the Kairos Advisor.

The diagnosis on prescription pad or one-to two-line letters will not be accepted as documentation.

General Requirements

- States a specific diagnosis according to the DSM-IV.
- Is current by 3 years.

- Describes the presenting problem(s) and developmental history, including relevant educational and medical history.
- Describes the comprehensive assessments (neuropsychological and psycho-educational evaluations), including evaluation dates used to arrive at the diagnosis.
- Describes functional limitations resulting from the disability, as supported by the test results.
- Describes specific recommended accommodations and provides a rational explanation how these specific accommodations address the functional limitations.
- Establishes the professional credentials of the evaluator, including information about the licensure of certification, education, or specialization.

Specific Requirements

- For learning disabilities, provide test results, with standard scores and percentiles (including subtest), from:
 - An aptitude assessment using a complete, valid, and comprehensive battery.
 - A complete achievement battery.
 - An assessment of information processing, and
 - Evidence that alternative explanations were ruled out.
- For ADD/ADHD, include:
 - Evidence of early impairment.
 - Evidence of current impairment, including presenting problem and diagnostic interview.
 - Evidence that alternative explanations were ruled out.
 - Results from valid, standardized, age appropriate assessment, and
 - A number of applicable DSM-IV criteria and description of how they impair the individual.
- For psychiatric disorders, a clinician's diagnosed mental illness impact on academic performance plus-DSM-IV diagnosis.
- Letters must be typed on letterhead stationery and include the treating specialist's (physician, psychiatrist or clinical psychologist) certifying license number.

Section 504 Coordinator

Brandi Pohlmeier, Kairos Advisor
 Phone (605) 679-0208 or (605)336-6588
 Fax (605)335-9090
bpohlmeier@sfseminary.edu

Accommodation Process

Qualified individuals are entitled to reasonable accommodations under Section 504 of the Rehabilitation Act of 1973 and the American with Disabilities Act of 1990. The Office of Enrollment Management serves as the link between enrolled students with disabilities and the campus community. Students disclosing a disability to seminary personnel will be redirected to the Office of Enrollment Management for assistance. Contact Brandi Pohlmeier, Kairos Advisor, at (605) 679-0208 or (605)336-6588 or email at bpohlmeier@sfseminary.edu.

Please follow these accommodation process guidelines:

- Schedule an appointment with the Kairos Advisor, Brandi Pohlmeier, for an intake interview to discuss possible accommodations. Please be aware that disclosure of a disability can occur at any time during the academic term. Accommodations, however, are not retroactive. In other words, the accommodation can begin when the documentation has been received and establishes the needs for reasonable accommodations and services. Students who are aware of a need for accommodations are strongly advised to meet with Brandi Pohlmeier before or during the first week of each term.
- Complete the Disability Self-Disclosure form and the Consent Form for the Release of Information (available from the Office of Enrollment Management).

- Provide current and comprehensive documentation of your disability from a credentialed professional qualified to make the diagnosis to the Kairos Advisor. Generally speaking, documentation should not be more than three years old.
- Receive a copy of the current accommodation letter sent to your professors and the accommodation plan that has been established.
- Meet with each of your professors to review and clarify your accommodations.
- Communicate with the Kairos Advisor about any concerns, including concerns regarding the effectiveness of accommodations, each semester.

Reasonable Accommodations

The Kairos Advisor and the student will discuss reasonable accommodations, auxiliary aids, and other adjustments once a request for services has been received and supported by current, complete and comprehensive documentation.

Accommodations provide equal access to the student with disabilities while not changing the integrity or content of an academic course. Accommodations may include (but are not limited to) the following:

- Preferential seating
- Priority registration
- Textbooks in alternate format
- Extended time on test
- Less distracted exam locations
- Note-takers
- Accessible desks/classrooms/furniture
- Other ongoing academic support through the Office of Enrollment Management

Temporary Disabilities

- Students with temporary disabilities (injuries; health conditions) are encouraged to contact the Kairos Advisor for possible accommodations. Example: Students who sustain an injury that will impair their ability to write could be eligible for a note-taker.
- Any campus member (faculty or staff) or family member may initially contact the Office of Enrollment Management on behalf of the student. However, all policies and procedures will need to be followed in order for an accommodation plan to be determined and established.

Denial of Accommodations

If requested accommodations are denied, the Kairos Advisor will provide to the student a written determination stating SFS's basis for the denial within ten (10) working days.

Denials of accommodations typically occur for one of the following reasons:

- Insufficient Information. More information will be requested.
- The documentation does not support the requested accommodations.
- The request has been partially approved.

In the event of a denial of accommodations, students have the option of submitting further documentation and requesting another review. If the student is not satisfied with the resulting decision, he or she may direct a formal complaint to the Chief Academic Officer and Dean (see "Disability Grievance Policy and Procedures" on the following page).

Other Information

- Early disclosure is essential for establishing accommodations in a timely manner.
- Accommodations are determined on a case-by-case basis and reviewed each academic term.
- Please direct any questions or concerns with regard to disability services to the Kairos Advisor.

For additional information, please contact:

Brandi Pohlmeier, Kairos Advisor, Administrative Office, (605) 679-0208 or (605)336-6588, bpohlmeier@sfseminary.edu.

Disability Grievance Policy and Procedures

It is Sioux Falls Seminary's policy to ensure that no qualified student with a disability is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination in any seminary program, service or activity. Sioux Falls Seminary aims to provide reasonable accommodations to students with qualified disabilities. A student has the right to file an informal complaint or a formal grievance if he/she believes equal access to an academic program, activity, resource or other service has been denied because of a disability or if he or she believes any discrimination or harassment, including discrimination carried out by employees, other students, and/or third parties. Retaliation against any individual who files a complaint or participates in a complaint inquiry is prohibited under Section 504.

Students are always encouraged to seek the assistance of the Kairos Advisor in order to resolve any complaint informally. The Kairos Advisor will make every effort to resolve the disagreement informally between the student and whomever (faculty member, department, service) the dispute involves and will do so in a timely manner. It is our hope to resolve concerns and find an acceptable solution before the situation intensifies.

Should the informal process not satisfactorily address the student's concerns or the grievance arises out of a decision made by the Kairos Advisor regarding a student's eligibility for academic or other accommodations, the student may choose to proceed with the formal grievance process. A formal grievance must include the following information in writing: student's name, address, home/cell number, email address, and student's identification number. This should be submitted to Dr. Larry Caldwell, the Chief Academic Officer and Dean, by email at lcaldwell@sfseminary.edu or by mail at 2100 S. Summit Ave., Sioux Falls, SD 57105.

Please provide a detailed response to the following:

- Information about the alleged discrimination including a specific description regarding the action(s) or inaction(s) that precipitated the grievance as well as the date, place, and names of the persons involved
- Efforts made to settle the complaint informally
- Any documentation that supports the grievance
- Remedy sought

Within 10 working days, the Chief Academic Officer and Dean or designee will convene a Disability Grievance Committee for the purpose of completing a thorough investigation of the complaint of discrimination based on a qualified disability. All relevant individuals including the complainant and other persons involved in the grievance may be in attendance to provide information.

After the investigation is complete, the Chief Academic Officer and Dean or designee shall issue a written response to the student/complainant no later than 15 working days after completion of the meeting(s) with the student and other persons involved in the grievance. If appropriate, SFS will take steps to prevent recurrence of any discrimination or harassment and to correct its effects on the complainant and others. This is the first institutional level of appeal.

The student then has the right to appeal the investigation to Greg Henson, President of Sioux Falls Seminary (ghenson@sfseminary.edu). The same guidelines regarding submission of information applicable to the incident apply. The President shall then review the student's complaint as well as the findings of the Disability Grievance Committee and respond to the student in writing within 15 working days. This is the final institutional level of appeal.

While it is hoped the complainant can resolve a grievance within the campus process, he/she has the right to file any grievance directly to the U.S. Office of Civil Rights at any time. The Statute of Limitations for filing a complaint with OCR is 180 day from the time the incident occurred. OCR's contact information is found below:

Office for Civil Rights – Region VII
One Petticoat Lane
1010 Walnut St, Ste 320
Kansas City, MO 64106
Phone: (816) 268-0550
Email: OCR.KansasCity@ed.gov