



Policy Name:	Policy and Procedures for Implementing Reasonable Accommodations and Academic Adjustments for Students		
Associated Form(s):	Intake Forms in the Student Health Portal	Policy Number:	2021-8
Reviewed:	Non-Academic Policy Review Committee	Approved:	June 9, 2021
Approval Authority:	President <i>Timothy L. Hall</i>	Adopted:	June 28, 2021
Responsible Executive(s):	Vice President for Student Affairs	Revised:	Policy on Reasonable Accommodations for Students (2017)
Responsible Office(s):	1) Office of Student Affairs 2) Office of ACCESSibility	Contact(s):	1) Dean of Student Affairs 2) Director of ACCESSibility 3) Title IX Coordinator

I. Policy Statement

Mercy College is committed to providing reasonable accommodations and academic adjustments to allow qualified students the opportunity to participate in programs and activities at the College. Requests require a process with the request being made to and considered by the Office of ACCESSibility, with the opportunity for an appeal, as provided for in these procedures.

The following procedures apply to reasonable accommodations and academic adjustments in connection with:

- a disability or serious injury,
- pregnancy, childbirth, or a medical condition related to pregnancy or childbirth, including breastfeeding, and
- religious practices

Mercy will thoroughly review all requests on a case-by-case basis in accordance with applicable federal, state and local laws.

Mercy prohibits retaliation against individuals for requesting reasonable accommodations or academic adjustments, appealing decisions concerning such requests, or for making or participating in claims of discrimination.

All requests for accommodations and academic adjustments, and all supporting documentation, including but not limited to medical information, are considered confidential and will be shared with College officials only on a need-to-know basis. Such documentation will only be used to evaluate the requested accommodation. Student accommodation documentation will be kept in the Office for ACCESSibility, the Office of Student Affairs, or the Office of the Equity Compliance Specialist, depending on which office is evaluating the accommodation request.

While the College will not share any request for an accommodation or academic adjustment under this Policy except as on a need-to-know basis, the Director of ACCESS may suggest that the student inform his/her PACT mentor, COP or other counselor about the student's need for an accommodation or academic adjustment provided pursuant to this Policy so as to more fully assist the student in all of her or his needs.

The College considers other requests for accommodations, such as relating to housing, are also handled through the Office of ACCESSibility, though do not fall under these processes herein. Food allergy and dietary accommodations are handled via the [*Policy on Meal Plan Exemptions and Other Food Allergy and Dietary Accommodations for Students*](#). Accommodations relating to [*Emotional Support Animals in housing*](#) are handled via that policy. Accommodations relating to COVID-19 fall under this Policy to the extent an exemption request falls under one of the categories listed above, as well as for an accommodation relating to wearing a mask.

II. Definitions

- A. Academic Adjustments: Section 504 of the Rehabilitation Act of 1973 ("Section 504"), which prohibits discrimination against qualified individuals with disabilities in federally-funded programs and activities, requires Mercy to provide academic adjustments to qualified students with disabilities by:
- (a) modifying academic requirements unless such requirements are essential to the instruction being pursued or to any directly related licensing requirement;
 - (b) ensuring that course examinations for students with disabilities reflect their achievement in the course and not their disabilities;
 - (c) taking steps to ensure that a qualified student is not excluded from participation or discriminated against because of the absence of educational auxiliary aids; and
 - (d) ensuring that no rules have the effect of limiting the participation of students with disabilities in any educational program or activity.
- B. Director of ACCESSibility: The Mercy employee who is responsible for ensuring that accommodation requests from students are processed in accordance with all Mercy policy and procedures.
- C. Equity Compliance Specialist: The Mercy employee who is responsible for overseeing compliance with all laws and regulations related to non-discrimination and Mercy's Policy on Equal Opportunity and Nondiscrimination, providing guidance and information, and investigating complaints of unlawful discrimination. The Equity Compliance Specialist also is responsible for addressing appeals of accommodations and academic adjustments based on disability, pregnancy, childbirth, or a medical condition related to pregnancy or childbirth, and religious practices.
- D. Disability: Mercy recognizes as a disability any physical, medical, mental or psychological impairment, or a history or record of such impairment that constitutes a disability under applicable federal, state, Westchester County and New York City law.
- E. Interactive Process/Cooperative Dialogue: When a decision-maker at the campus works with the student to identify existing barriers to the student's access to academic and non-academic programs and activities at the College with the intention of finding an academic adjustment or reasonable accommodation to address those barriers.
- F. Pregnancy, Childbirth or a Related Medical Condition: The condition of being pregnant, having a child, or a medical condition related to pregnancy or childbirth. For the purposes of this Policy, this shall include breastfeeding.

- G. Qualified Individual with a Disability: An employee or applicant for employment with a disability who satisfies the skill, experience, education, and other job-related requirements for the position and who can perform the essential functions of the job with or without a reasonable accommodation. Similarly, for students, a qualified individual with a disability is a student who meets the academic and technical standards required for admission or participation in the chosen program with or without a reasonable accommodation or academic adjustment.
- H. Reasonable Accommodation: Although each student accommodation request will be assessed individually, reasonable accommodations, in a general sense, are adjustments to policy, practice, and programs that "level the playing field" and provide equal access to Mercy's academic and non-academic programs and activities. Reasonable accommodations are addressed on a case-by-case basis. In the academic setting, reasonable accommodations must not alter the course objectives or expectations, should not create an undue burden on the institution or student (as defined in K below), and reasonable accommodations should not impact the health and safety of others.
- I. Religion: An individual's sincerely held religious belief or practice of a creed or religion, including all aspects of religious observance, practice and belief, and moral or ethical beliefs as to what is right or wrong, which are sincerely held with the strength of traditional religious views. Religion is defined broadly and includes religious beliefs and practices that may be unfamiliar. "Religion" may consist of a belief system that does not include a traditional concept of God.
- J. Title IX Coordinator: The College employee who is responsible for compliance with Title IX of the Educational Amendments of 1972, which prohibits sex discrimination in educational programs. The Title IX Coordinator has overall responsibility for implementing Mercy's Policy and Procedures on Sexual Misconduct, including overseeing the investigation of complaints related to sexual misconduct.
- K. Undue Hardship: An action that would require significant difficulty or expense when considered in light of a number of factors, including the nature and cost of the accommodation in relation to the size, resources, nature and structure of the employer's operation, or an action that would fundamentally alter policy and procedures, and/or the fundamental nature of the academic program. An accommodation need not be granted where it would impose an undue hardship on the College. If a particular accommodation imposes an undue hardship, Mercy will consider whether an alternative accommodation is available that would not impose an undue hardship.

III. Requesting a Disability/Serious Injury Accommodation or Academic Adjustment

- A. Student Registration

In order for a Mercy College student to receive an accommodation or academic adjustment under this Policy, the student must register with the Office of ACCESSibility. To register with ACCESS, the student must submit an Application for Accommodations and appropriate supporting documentation. Students may visit the webpage, <https://www.mercy.edu/student-affairs/access>, contact ACCESS staff at (914) 674-7523 or by email at accessibility@mercy.edu for further information, including what documentation is required and the process for submission. Students can also visit the office which is located in Main Hall, Room 121D on the Dobbs Ferry campus or set-up an appointment at another campus with an ACCESS staff member.

After a request is submitted, the Director of ACCESSibility, or a designee, and the student will engage in an interactive process, which may include a consideration of a number of factors, such as the student's limitations and the academic or other program requirements, with the goal of finding a reasonable accommodation or academic adjustment. Reasonable accommodations and academic adjustments may include, but are not limited to, providing the student with assistive technology or other auxiliary aides as well as many other means to remove barriers for students within reason.

The Director of ACCESSibility, or a designee, may, when necessary and in a confidential manner, consult with appropriate college officials, such as the instructor, Program Director, Dean, Provost and/or PACT/COP or other counselor to determine program requirements and appropriate accommodations. A grant or denial of the student's request must be made as soon as practicable, taking into account the urgency of the request, and sent to the student in writing, either stating the accommodation or adjustment to be provided, or for denials, the reason(s) the request was denied.

Reasonable accommodations should not fundamentally alter the nature of a course, course expectations, or competencies to be achieved within a course. Reasonable accommodations should not create an undue burden on the student or the institution. Reasonable accommodations should not interfere with the health and safety of others.

B. Accommodation Memo

If an accommodation or academic adjustment is granted, ACCESS will provide the student with an "Accommodation Memo." The purpose of the Memo is to inform the faculty or staff member that the student has been granted accommodations that have been approved by the Office of ACCESSibility. The Memo does NOT cite the specific disability. If the initial Accommodation Meeting is taking place before the student has enrolled at Mercy, the memo will be provided to the student before the start of the term.

An Accommodation Memo is semester specific and is only valid for the term that it was issued. To activate the accommodation(s) each semester, the student must request a new Accommodation Memo from ACCESS before the start of each semester. The updated Memo should be presented ordinarily to faculty members within the first 1-2 weeks of EACH academic term. The student must have the faculty member review the Memo and obtain the faculty member's signature at the bottom of the Memo. The signed Memo must be returned by uploading it to the Student Health portal: <http://mercy.studenthealthportal.com> as soon as possible.

C. Timing of Requests

Students may request accommodations and academic adjustments at any point during the semester. A student has the right to not disclose a disability to a faculty member and to withhold submission of an Accommodation Memo from a faculty member. Accommodations are not retroactive. Accommodations are valid from the time of approval moving forward. For classroom accommodations, they are only active from the time the student provides the Memo to their faculty member moving forward. Any grades already in place or tests taken *prior* to the submission of an Accommodation Memo to the faculty member will not be changed or repeated with accommodations. Please keep in mind that not all accommodations can be immediately implemented, and no grades given prior to the implementation period will be changed.

IV. Accommodations based on Pregnancy, Childbirth or a Related Medical Condition

A. General Accommodations

Students requesting an accommodation or academic adjustment based on pregnancy, childbirth or a related medical condition should contact the Office of ACCESSibility. Students may be asked to complete an intake form and provide supporting documentation. The student and the Director of ACCESSibility, or a designee, will engage in an interactive process, which may include considering a number of factors, such as the student's limitations and the nature and requirements of the academic program, with the goal of finding an acceptable accommodation or academic adjustment. The Director of ACCESSibility may, when necessary, consult with appropriate college officials, such as the Title IX Coordinator/Equity Compliance Specialist, instructor, Program Director, Dean, or Provost, to determine program requirements and possible accommodations and adjustments. A grant or denial of the request must be made as soon as practicable, taking into account the urgency of the request, and sent to the student in writing, either stating the accommodation, or for denials, the reason(s) the request was denied.

B. Accommodations Related to Breastfeeding

In recognition of the importance and benefits of breastfeeding for mothers and infants and in compliance with state and federal law, Mercy College supports the rights of nursing mothers at school, and is dedicated to making its best effort to accommodate requests from nursing mothers for a private space to express breast milk on campus. Students should consult with the Office of ACCESSibility to determine where dedicated lactation rooms exist on each Mercy campus. If no dedicated space has been identified, the student can work with the Office of ACCESSibility to identify an appropriate space in which the student can express milk. The room must be clean, private, and comfortable, have an electrical outlet, chair, and a table, and have nearby access to a sink with running water and paper towels.

Students will have access to lactation rooms based on availability and on a first-come, first-served basis, and may need to schedule access ahead of time, depending on employee use. Students are expected to work with their instructors and/or advisors to make up any missed work.

V. Religious Accommodations

Students should contact the Office of ACCESSibility when seeking a religious accommodation. The Director of ACCESSibility and the student will engage in an interactive process with the goal of finding an acceptable accommodation. The Director of ACCESSibility may, when necessary, consult with appropriate college officials, such as the Title IX Coordinator/Equity Compliance Specialist, instructor, Program Director, Dean, or Provost, to determine program requirements and possible accommodations and adjustments

Individuals requesting accommodations may be required to submit an intake form. In the case of requests for religious accommodations, the interactive process may include a consideration of a variety of factors, such as the individual's religious practices and the functions and requirements of the academic program or job. For students, while a student accommodation must not result in the inability of the student to perform the essential functions of the course/program of study, students should be given the opportunity to make up work or an exam when she/he is absent.

Mercy generally will not question that a request for religious accommodation is based on a sincerely held belief. However, if Mercy has genuine reason to doubt that a belief qualifies as religious, or as being sincerely-held, Mercy may make a limited inquiry, asking for supporting documentation. The documentation submitted may include the requestor's first-hand explanation, or explanations from others, such as a religious official or clergy member, who are aware of the religious practice or belief.

A grant or denial of the request must be made in writing as soon as practicable, taking into account the urgency of the request, and sent in writing to the individual making the request, either stating the accommodation, or for denials, the reason(s) the request was denied.

VI. Appeals Under this Policy

Students may appeal a denial of a request for an accommodation under this Policy by filing a complaint with the Title IX Coordinator/Equity Compliance Specialist. The Title IX Coordinator/Equity Compliance Specialist, or a designee, will mediate to try to resolve the issues between the individual and the department to find an acceptable accommodation. If a mutually acceptable accommodation cannot be determined, then the Title IX Coordinator/Equity Compliance Specialist, or a designee, will investigate the complaint and make a recommendation to the Provost. The Provost or their designee will make the final determination of an appeal.

VII. Filing Complaints with Outside Agencies

Students who believe that a decision to deny the request for a reasonable accommodation or academic adjustment was based on unlawful discrimination may avail themselves of any and all of their rights under law without fear of retaliation, including filing complaints with one or more of the outside agencies listed below.

- U.S. Department of Education, Office for Civil Rights
<http://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>
- U.S. Equal Employment Opportunity Commission
https://www.eeoc.gov/federal/fed_employees/filing_complaint.cfm
- New York State Division of Human Rights

<http://www.dhr.ny.gov/how-file-complaint>

- New York City Commission on Human Rights
<https://www1.nyc.gov/site/cchr/enforcement/complaint-process.page>
- Westchester County Human Rights Commission
<http://humanrights.westchestergov.com/file-a-complaint>