

**University Policy 4.02.01****Learner Disability Accommodations****Policy Revision Approval Date: March 13, 2007****Policy Revision Effective Date: April 1, 2007****Procedure Approval Date: August 11, 2016****Procedure Effective Date: September 1, 2016****POLICY STATEMENT**

Capella University is committed to extending educational access to adult learners and is dedicated to providing accommodations and services to qualified learners with disabilities so that they may achieve their full academic potential. Capella University recognizes and fulfills its reasonable accommodations obligations under the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), the ADA Amendments Act of 2008, and similar state laws. The type of accommodation provided is dependent on a learner's disability and limitations. Learners are not charged additional fees for disability accommodations. The university reserves the right to utilize external service agencies to provide the necessary accommodations.

Section 504 of the Rehabilitation Act of 1973 requires that all services, benefits, and programs provided by the university be accessible to any learner with a documented disability. The law is a guide that cannot and does not address all possible situations. It is essential for all parties to understand that there may be a variety of accommodations and that there may be differences regarding which services are appropriate in a given situation. Section 504 requires the university to publish a grievance procedure whereby disputes may be addressed in an impartial and efficient manner. The appeal procedures are used only in situations for which appropriate physician documentation is submitted to Disability Services and one or both of the following circumstances apply:

1. Accommodations requested were denied; or
2. Alternative accommodations, if any, were not considered sufficient by the learner.

**RATIONALE**

This policy describes the scope of Capella University's legal obligation to provide disability accommodations and offers guidance for requesting, appealing, or canceling accommodations.

**DEFINITIONS****Accommodations Provided by External Service Agencies**

Examples of accommodations include but are not limited to the following: sign language interpreters, mobility services, and real-time captionists.

**PROCEDURES**

- I. Requesting Disability Accommodations
  - A. To request a disability accommodation, learners must:

1. Complete and submit the [Accommodations for Learners with Disabilities Form](#) located on Campus.
  2. Provide required documentation of the disability from an appropriate professional, such as a medical doctor, psychologist, or psychiatrist. Documentation should be current (within the last three years), on professional letterhead, and contain the following information:
    - a. Diagnosis of disability
    - b. The effect the disability's impairments have on a learner's learning/major life activities
    - c. Recommendations for academic adjustments that would enable the learner to compensate for those limitations with respect to the educational program. All documentation must be submitted to:

Capella University  
Capella Tower  
ATTN: Disability Services  
225 South Sixth Street, Ninth Floor  
Minneapolis, MN 55402
- B. Documentation and accommodation requests must be received at least 21 calendar days prior to the start of a course, residency, or event to allow adequate time to process the request. Late requests will be considered, but there is a risk the request cannot be reasonably evaluated or implemented before the course, residency, or event begins.
- C. Upon receipt of all documentation, a disability services specialist will contact the learner to determine the appropriate accommodations.

## II. Appealing a Disability Accommodation

Learners are encouraged to exhaust all informal procedures before beginning the formal appeal process. A learner may pursue the formal process if they are not satisfied with the results of the informal procedure.

### A. Informal process

The university encourages the use of informal processes to resolve any disagreements regarding academic accommodations related to a documented disability. The goal of the informal appeal process is to achieve an appropriate resolution as quickly as possible. The informal process begins with the learner conferring with a disability services specialist in a good faith effort to achieve a reasonable resolution of the complaint.

### B. Formal process

The formal process is more involved and requires a greater level of documentation than the informal process. This process serves as a vehicle for appealing a decision or resolving any impasse that may have occurred during the informal process.

1. The learner must submit the request to initiate the formal process within seven calendar days after the disability services specialist notifies him or her of a decision or the inability to reach a decision. Reasons for the request must be limited to one or more of the following:
  - a. To determine whether the denial of accommodations was appropriate and whether alternative accommodations—if any were provided—were sufficient.

- b. To consider new evidence or facts that may be sufficient enough to alter a decision and that were not introduced in the original request because such evidence or facts were not known or available through reasonable inquiry at the time of the decision.
      - 2. The duration of the formal process is determined by the complexity of the case but typically does not exceed 30 calendar days.
      - 3. A learner begins the formal process by taking the following steps:
        - a. The learner shall submit a written appeal to the manager of Disability Services or designee, noting specific objections to the decision rendered during the informal process and providing any materials they feel are relevant to those objections. The appeal must include the following components:
          - i. A summary of the original request for accommodations and the resulting decisions and actions.
          - ii. A detailed statement of the circumstances and any documentation relating to the complaint.
          - iii. A statement that explains why the learner disagrees with the decisions or actions of the informal process or why no decision was able to be reached, if such was the case.
          - iv. The resolution the learner is seeking.
        - b. Within seven calendar days of receiving the formal appeal, the manager of Disability Services or designee will acknowledge receipt of the request.
        - c. The manager of Disability Services or designee receives and reviews all evidence and records of prior discussions and deliberations.
        - d. Following the investigation, the manager of Disability Services or designee will render a decision regarding the matter and communicate it to the learner, all associated parties, and any other appropriate individuals as necessary.
        - e. A full report of the incident, appeal, and all related materials will be kept in Disability Services' records and, upon request, will be made available to all Capella University boards and any appropriate regulatory bodies.
- C. Appeal process
- If a learner wishes to appeal the decision of the manager of Disability Services, they must submit a formal request to the provost within seven calendar days of being notified of the decision by the manager of Disability Services.
- 1. The duration of the university-level process is determined by the complexities of the case but is not to exceed 30 calendar days.
  - 2. The appeal process involves the following steps:
    - a. The learner shall submit a written appeal to the provost, noting specific objections to the decision rendered during the formal process and providing any materials they feel are relevant to those objections. The appeal must include the following components:
      - i. A summary of the original request for accommodations and the resulting decisions and actions.
      - ii. A detailed statement of the circumstances and any documentation relating to the complaint.

- iii. A statement explaining why the learner disagrees with the decisions or actions of the formal process and the decision of the manager of Disability Services.
  - iv. The resolution the learner is seeking.
- b. Within seven calendar days of receiving the appeal request, the provost will notify the learner, Disability Services, and the manager of Disability Services that a university-level review process will take place.
  - c. The provost receives and reviews all evidence and records of prior discussions and deliberations. The provost may also ask for an independent investigation of the evidence and circumstances of the case.
  - d. Following the investigation, the provost will render a decision regarding the matter and communicate it to the learner, all associated parties, and any other appropriate individuals as necessary.
  - e. A full report of the incident, appeal, and all related materials will be kept in Disability Services' records and, upon request, will be made available to all Capella University boards and any appropriate regulatory bodies.
3. The decision of the provost is final.

### III. Canceling a Disability Accommodation

Learners who are unable to attend a residency or any other event for which the university has contracted a disability accommodation on their behalf must cancel these accommodations at least seven calendar days prior to the start of the event. Learners canceling accommodations less than seven calendar days prior to the event may be required to pay all cancellation fees incurred by the university in arranging for the service. To cancel a disability accommodation, learners must submit a written cancellation notification to the disability services specialist at [DisabilityServices@capella.edu](mailto:DisabilityServices@capella.edu).

IV. All procedures in this policy apply to learners in GuidedPath and FlexPath programs.

### **POLICY OWNERS**

Academic Owner: Disability Services  
 Operations Owner: Disability Services

### **RELATED DOCUMENTS**

None

### **REVISION HISTORY**

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Administrative edits as result of ongoing review: 12-20-07; 11-18-09; 2-17-10; 9-20-11; 4-17-12; 8-6-12; 4-24-13; 12-14-16; 4-1-18; 5-23-19; 4-1-20