

# Disability Policy

Aveda Institute New York strives to make its programs accessible to all individuals, in compliance with Section 504 of the Rehabilitation Act of 1973 and Title III of the Americans with Disabilities Act of 1990. In conformance with the law, Aveda Institute New York will provide academic accommodations to qualified students with diagnosed disabilities to ensure that they have equal access and are not discriminated against because of disability. The Aveda Institute New York facilities (including restrooms and classrooms) permit handicapped persons to enroll and benefit from the institute's programs.

## **What is a disability?**

A disability is defined as a physical, intellectual, or mental impairment that substantially limits one or more major life activities. Accommodations are designed to provide students with disabilities with full access to the educational experience at the Aveda Institute New York. Accommodations are arranged on an individual, case-by-case basis, based on the limitations and recommendations stated in a student's documentation and a thorough discussion between the student and the Student Services Manager. Examples of accommodations include (but are not limited to) extended time on tests, a quiet room for testing, books in audio format, and note takers.

## **Accommodation Process**

The Student Services Manager is the designated point of contact and primary support person for applicants and students with disabilities who are seeking accommodations. The Student Services Manager acts as a resource for students with disabilities, verifies and files documentation, certifies eligibility for services, and establishes reasonable accommodations.

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Applicants to the Aveda Institute New York are not required to disclose a disability during the admissions process, but if they wish to obtain accommodations with respect to the admissions process, they are encouraged to contact the Student Services Manager. The Student Services Manager will assist in determining what accommodations, if any, may be appropriate to make the admissions process accessible to an otherwise qualified applicant with a disability. Any information disclosed regarding an applicant's disability will be kept confidential and shared with institute personnel on a limited and need-to-know basis only in accordance with federal and state laws.

Students with disabilities who would like to request academic accommodations are responsible for initiating the process. This is a key difference between high school and post-secondary education; in high school, it was the school's job to identify students with disabilities and to create an individualized education program (IEP) to serve that student. But at a post-secondary institution like the Aveda Institute New York, it is the **student's responsibility** to request an accommodation for a disability. Note also that while a student's parent(s) may have played an active and leading role in advocating for the student during high school, at post-secondary institutions, it is the student who is responsible for communicating with the school about needed accommodations.

Since the accommodation process is not a disciplinary and otherwise adversarial process, students are not allowed to invite outside advocates or legal personnel to any meeting to discuss accommodations (including but not limited to initial meetings, follow-up meetings, meetings regarding accommodation concerns, etc.). These discussions provide a meaningful opportunity and learning experience for the student to engage in self-advocacy.

### ***Notification Guidelines***

Please reach out to the Student Services Manager in a timely manner in order to prevent delays in the provision of accommodations and/or services. A general guideline is at least two weeks prior to the beginning of classes or as soon as a disability becomes known. Please keep in mind that Aveda Institute New York is a special learning environment where students engage in both classroom and applied learning, so it may take additional time to determine and implement appropriate accommodations. The sooner we know of your need for accommodation, the sooner we can work together to identify and implement needed accommodations to make the institute's unique educational program accessible.

Notifying an instructor or other institute personnel is not considered official notification to initiate the accommodation process. If a student discloses a disability to other institute personnel, that person may contact the Student Services Manager and/or recommend that the student contact the Student Services Manager.

### ***What Happens Next?***

Students with disabilities will meet with the Student Services Manager to discuss their disabilities, functional limitations/barriers, past use of accommodations (if any), and desired accommodations. Complete, current information about the disability from an appropriate third party is often helpful for this initial discussion, and may be required depending on the disability and the situation. The Student Services Manager will assist the student in determining what specific third party information is needed. Together, the student and the Student Services Manager will determine what reasonable accommodations and/or services may be appropriate. The Student Services Manager may consult with faculty, staff, and/or outside professionals regarding essential elements and reasonable accommodations. The institute will maintain disability-related documentation and ensure that documents are confidential and shared with institute personnel on a limited and need-to-know basis only.

### ***What Accommodations Might Be Available?***

A reasonable accommodation is a modification or adjustment to a course, program, service, activity, or facility that enables a qualified student with a disability to have an equal opportunity. An equal opportunity means an opportunity to attain the same level of performance or to enjoy equal benefits and privileges as are available to a similarly situated student without a disability. Reasonable accommodations may include alterations to rules, policies, or practices, removal of architectural or communication barriers, or the provision of auxiliary aids.

Aveda Institute New York is obligated to make a reasonable accommodation only to the known limitations of an otherwise qualified disabled student. To determine reasonable accommodations, the Student Service Manager may seek information from appropriate institute personnel regarding essential standards for courses, programs, services, activities, and facilities. Final determination of reasonable accommodations is made by the Student Services Manager. Reasonable accommodations are determined by examining:

- the barriers resulting from the interaction between the documented disability and the learning environment;
- the possible accommodations that might remove the barriers;
- whether or not the student has access to the course, program, service, activity, or facility without accommodations; and
- whether or not essential elements of the course, program, service, activity, or facility are compromised by the accommodations.

Please note that reasonable accommodations do not and should not:

- substantially alter the educational standards or mission of the Aveda Institute New York;
- fundamentally alter the nature of the program, course, service, activity, and/or practice/policy as written and applied;

- allow access to a program when a student is not otherwise qualified (with or without accommodations) to meet the academic and technical standards required for admission or participation in an education program, course, service and/or activity;
- cause undue financial or administrative hardship;
- be a personal service or device (e.g., wheelchairs, hearing aids, personal transportation); or
- pose a direct threat to the health or safety of the student with a disability or others as a result of accommodation implementation.

### ***How Will Accommodation(s) Be Implemented?***

Once it is determined that a student is eligible for an accommodation and what accommodation is appropriate and required, the Student Services Manager will provide the student with a written communication documenting the need for and the appropriate accommodation. The Student Services Manager may provide guidance and assistance to the student's instructors to assist in implementing the accommodation, but it will be the student's responsibility to discuss the accommodation with each of the student's instructors for any courses impacted by the accommodation.

### **Documentation Guidelines**

In most circumstances, students seeking accommodations are required to provide disability-related documents from appropriate licensed professional(s) that verify the student as having a disability and to determine the need for reasonable accommodations. Documentation serves two purposes. It establishes existence of a disability (a physical or mental impairment that substantially limits a major life activity) that affords protection under the law, and it demonstrates a need for accommodations to ensure equal access to courses, programs, services, activities, and facilities.

### ***Elements of Documentation***

Documentation from a licensed professional legitimizes a student's request for accommodations and generally must include the following information:

- A clear statement of the diagnosed disability, and an explanation of how the student meets the diagnostic criteria;
- A description of the functional limitations resulting from the disability as they relate to the student's ability to learn and participate in the educational program;
- A list of the accommodations recommended to allow the student to participate fully and equally in the educational program, along with an explanation of how the professional decided on these accommodations and how the recommended accommodations will assist the student;
- Documentation of educational, developmental, and medical history relevant to the diagnosed disability, and a description of any tests, assessments and evaluations performed, which identify any records or materials reviewed as part of the testing process.

These documents must be current (ordinarily within the last three years), must appear on official letterhead of the licensed professional, and must be signed by a qualified professional not related to the student.

### ***Costs***

The cost of obtaining student documentation is borne by the student. If the initial documentation is incomplete or inadequate in determining the extent of the disability and reasonable accommodations, the Student Services Manager has the discretion to require additional documentation. Any cost of obtaining additional documentation is also borne by the student. Pending receipt of documentation, Aveda Institute New York reserves the right to deny services or accommodation.

## **Rights and Responsibilities**

### ***Students with disabilities have the right to:***

- Full and equal participation in the services and activities of Aveda Institute New York;
- Reasonable accommodations, academic/work adjustments and/or auxiliary aids and services;
- Appropriate confidentiality of information regarding their disability and to choose to whom, outside of the Aveda Institute New York, information about their disability will be disclosed, except as disclosures are required or permitted by law;
- Information readily available in accessible formats.

### ***Students with disabilities have the responsibility to:***

- Meet qualifications and maintain essential institutional standards for courses, programs, and activities;
- Identify as an individual with a disability when an accommodation is needed and to seek resources, information, counsel and assistance as necessary;
- Demonstrate and/or document (from an appropriate professional) how the disability limits their participation in courses, programs, and activities; and
- Follow published procedures for obtaining reasonable accommodations, academic/work adjustments and/or auxiliary aids and services; or when requesting barrier removal.

### ***The Aveda Institute New York has the right to:***

- Establish essential functions, abilities, skills, knowledge and standards for courses, programs, and activities or facilities and to evaluate individuals with disabilities on these bases;
- Determine the appropriate standards in developing, constructing, remodeling and maintaining facilities;
- Confirm disability status and request and receive current, relevant documentation that supports requests for accommodations, academic/work adjustments and/or auxiliary aids and services;
- Have staff engage with individuals with disabilities to determine reasonable accommodations;
- Select resource options among equally effective accommodations, academic/work adjustments and/or auxiliary aids and services;
- Deny a request for accommodations, academic/work adjustments or auxiliary aids and services, and/or barrier removal in facilities if the documentation does not demonstrate that the request is warranted, if the individual fails to provide appropriate documentation, or if the request is not found to be reasonable given the circumstances of the individual in relation to the situation/setting; and
- Refuse unreasonable accommodations, academic/work adjustment or auxiliary aids and services, and/or facility-related barrier removal requests that impose a fundamental alteration of a program or activity of the Aveda Institute New York.

### ***The Aveda Institute New York has the responsibility to:***

- Provide information to students with disabilities in accessible formats upon request;
- Ensure that courses, programs, activities and facilities, when viewed in their entirety, are available and usable in the most integrated and appropriate settings;
- Evaluate students on the basis of their abilities and not their disabilities;
- Respond to requests on a timely basis;

- Provide or arrange reasonable accommodation, academic/work adjustments and/or auxiliary aids and services in courses, programs, services, jobs, activities and facilities; and
- Maintain appropriate confidentiality of records and communications, and to disclose such information as needed where permitted or required by law.

### **Grievance Procedure**

The Student Services Manager is identified as the individual responsible for reviewing and approving reasonable accommodations for students with disabilities. The Student Services Manager also assists to ensure that accommodations are implemented appropriately. Students who have questions or concerns regarding the accommodation process and/or a specific outcome may request a review of the situation by contacting the Student Services Manager. If, after discussing the matter with the Student Services Manager, a student remains concerned about the process or outcome, he or she may contact the institute's Director in a timely manner to file a complaint.

Students who feel they have been discriminated against on the basis of disability may likewise bring their concern to the Student Services Manager and/or file a complaint with the institute's Director.

Students may also file a complaint directly with the U.S. Department of Education's Office for Civil Rights ("OCR"). The statute of limitations for filing a complaint with OCR is 180 days from the time the incident occurred.