



FOR IMMEDIATE RELEASE

**Northwest Regional Human Rights Authority
Report of Findings
Report 19-080-9018
Northern Illinois University**

Introduction

The Human Rights Authority (HRA) opened an investigation into potential right violations in the services provided to a student with disabilities at Northern Illinois University in DeKalb, Illinois. The complaints are the student's approved accommodations were not followed in one or more courses. The student was not reimbursed after withdrawing from course during the appropriate timeframe. Substantiated findings would violate protections under the Section 504 of the Rehabilitation Act of 1973.

Northern Illinois University has a total undergraduate enrollment of 12,788, with a gender distribution of 50 percent male students and 50 percent female students. The university has a division to ensure that students with disabilities are treated fairly, provided with accessibility options and are able to learn in an inclusive environment, which is called the Disability Resource Center (DRC). The DRC served 546 students in the Spring 2017 semester. The HRA met with representatives from the DRC, the Vice Provost Office and the Deputy General Counsel's Office. Relevant policies were reviewed as was the student's record with authorization.

Complaint Summary

There were two separate complaints brought to the HRA. In the initial complaint, the student was previously given various classroom and exam accommodations that included allowable breaks, extra time and flexible attendance. A professor allegedly questioned the validity of the accommodations and requested documented proof, which were still not honored. The student reportedly filed a complaint through the DRC office, in which that investigation found one professor at fault. The subsequent complaint occurred when the student withdrew from four classes during the appropriate time frame and the university allegedly did not reimburse the student a full tuition payment.

Student Record Review

The student records received from the university included the following documentation: an approved accommodations letter, email and mail correspondence

between the student and various administrators, email correspondence between various university departments, and required exception tuition reimbursement forms. The approved accommodation letter for the academic year of 2018-2019 entailed classroom and exam accommodations, specified the role and responsibility of the student and professor, and explained the assistance provided by the DRC in the implementation of accommodations. The approved accommodations were as follows: classroom (breaks during class as needed, additional time for in-class assignments to be discussed with professor and mutually agreed upon, flexibility with attendance to be discussed with professor and mutually agreed upon, extension of due dates to be discussed with professor and mutually agreed upon, student requests for attendance variability as his situation may not be predictable and he may present as tired or struggling to focus during class or perform during presentations) and exams (extra time, low distraction environment and student allowed snack/beverage).

During the site visit, inquiries were made to the university personnel present on the details of the complaint filed and which of the student's accommodations were not followed. It should be noted that the university had no record of a complaint or grievance from the student regarding accommodations not being met. The HRA did not receive any specific details from the complainant of what accommodations had not being addressed.

The student reached out to the DRC via email to inquire the process of withdrawing from a class due to medical reasons and was provided the appropriate contact person. Once the connection was made, the health services office manager provided directions and paperwork to complete to start the tuition reimbursement process due to medical reasons. In November 2018, the student filed two separate appeals for both semesters. In this same month the student provided supporting medical documentation for the Fall 2018 semester only. The doctor that approves the medical documentation for the exemption to policy applications determined on November 19, 2018 that the student's documentation supported the request. A memorandum was mailed to the student informing the student to submit the findings to the Provost office for final determination. As of December 17, 2018, the student had yet to submit the documents for the reimbursement to the provost office and another letter was mailed to the student's attention with the instructions on the next step. On March 13, 2019, a letter was mailed to the student informing that the tuition reimbursement for Fall 2018, would be available in the student's school account. On March 28, 2019, an email correspondence between the student health services director and Vice-Provost office administrative assistant showed that the supporting documentation for the Spring 2018 withdrawal request still had not been received. Per a letter from the university to the HRA, the student did not complete the Spring 2018 request in full until May 2019, in which a determination was made, and the tuition reimbursement was awarded in August 2019 to the student account.

Interviews

Deputy Counsel

The deputy counsel stated in correspondence to the HRA that the university was unable to specifically address the student's complaint of not receiving the approved DRC accommodations, because the student did not identify which professor was in question, did not identify which class the accommodation was not allowed or the specific semester in which the accommodation was not honored. While at the site visit, the deputy counsel stated in reviewing the records, a professor did contact the DRC regarding the student claiming accommodations, but never provided the letter to the professor. Providing the accommodation letter to the professor is a requirement that the student must adhere to ensure the accommodation is active and followed.

Director of Disability Resources Center

The director provided a general outline of the process that students go through when requesting services and accommodations for their academic career. The process goes as follows: 1) student needs to register with the DRC, 2) meet with an access counselor, 3) have a discussion with the access coordinator to decide which accommodations are appropriate, what accommodations were afforded in the past and if those accommodations are still viable, 4) review the documentation, 5) generate a letter of accommodation specifically directed towards each class (this letter informs the professor of the student relationship with the DRC and what is needed in each class to be successful), 6) student communication with each professor and provide the accommodation letter, so implementation can occur. The accommodation can be given to the professor anytime during the course of the class, students are not supposed to negotiate with teachers, especially if there are discrepancies or misunderstandings (if the professor is still not on board with the accommodation, the student can reach out to their access counselor, so a conversation with DRC representation is had). All accommodations must be mutually agreed upon between the professor/teacher and the student, (i.e., an example would be if the student needs extension of time to complete assignments and test, both parties need to find mutual ground on the amount of time allotted). The letter of accommodation, stresses that an accommodation is not effective until the student has provided the document to the professor, there has been a discussion between the student and the professor and both parties have mutually agreed on the accommodations that are appropriate for that particular class.

If there are times when a student receives pushback from teachers/professors regarding the accommodations, this is when the DRC will step in to ensure that a student's accommodations are followed. If, for whatever reason, the pushback continues with a particular staff or faculty member, the personnel from the DRC works with the student to explain how to support the student and ensure the accommodations are doable. If there is continued resistance from the professor or teacher, the DRC staff can pursue legal action

under the **Americans with Disabilities Act (ADA)**. The DRC staff are advocates for the students, regardless if the admission is in the brick and mortar of the school or through on-line classes. The director did not have any documentation from the student regarding a specific teacher or professor not following the accommodation letter.

While at the site visit, the question was raised on how the university addresses issues related to the **ADA** at university sponsored or other events and activities that are held in university buildings. Per the director, when events are held on the university grounds or a university building, i.e.; the Convocation Center, people can go to the university's website and signal the need for specific accommodations on the day of an event. The school is obligated to make all individuals comfortable in any university building and there are constant improvements that are addressed when a situation arises from the public, staff and students.

Associate Professor – Vice Provost office

The associate professor provided a general overview of the withdrawal and reimbursement policy. It was explained that any student can withdraw by the 8th week of a semester or earlier without any justification, if withdrawing after the 8th week, the student would need justification or an appeal for reimbursement and the reason must be exceptional (hardship, military reason or medical reasons) with supportive documentation. The university currently has a cap on the number of the hours that can be included in a withdrawal and this includes transferrable hours. This student filed two separate appeals for exception to reimbursement for the Spring and Fall 2018 semesters. The Vice-Provost office reviewed the case and noted that the student initially had all the documents for the Fall semester submitted timely. A refund was issued in March 2019 for the Fall 2018 semester. For the Spring 2018 semester tuition reimbursement request, it was noted that the student did not turn in all the required documents timely, which resulted in a delay of processing the reimbursement request. The letter provided by the university to the HRA, documented a timeline of interactions with the student, that stated the needed medical documentation was received in late May 2019, in which the steps were taken to complete the reimbursement request. The refund for the Spring 2018 semester was issued to the student in August 2019.

Administrative Assistant – Vice Provost Office

The administrative assistant from the Vice-Provost office provided background information regarding student withdrawals and tuition reimbursements. A student must appeal each semester in which they withdraw especially if the student is claiming a medical exemption. This particular student was assisted by the administrative assistant personally, because the student did not complete the paperwork accurately to receive reimbursement. The administrative assistant relayed that the student in question was frustrated in numerous telephone conversations and could not grasp completing the appropriate paperwork. So, the

administrative assistant took it upon herself and filled in the missing information on the form for the student.

Policy Review

The Northern Illinois University “Nondiscrimination, Harassment and Retaliation Policy and Procedures of Students, Faculty and Staff”, discusses various topics and procedures ranging from discrimination, harassment, retaliation and procedures to address complaints and investigations. In reviewing the manual in regard to the student’s accommodations not being addressed, the initial step would have been for the student to file a complaint on-line and then an investigator would have been assigned to the case and an investigation would have taken place (formally or informally). According to the discussion at the site visit a complaint was not formally filed through the proper channel or through the DRC.

The Northern Illinois University “Disability Resource Center Policy and Procedure Manual”, addresses the following topics: instructor notification, accommodations testing, appeals and grievance. The manual points out specific reasons not to offer or follow through with accommodations for a student at the university, such as; “ not registered with DRC, student file not up-to-date, student did not self-identify to the instructors and have not completed their file paperwork”. Based on the initial complaint, it is inconclusive whether the student self-identified with the teacher, if there was a discussion surrounding the accommodations and both parties mutually agreed on the accommodations. The student reported filing a complaint through the DRC office that the professor did not allow the accommodations. Per the “Disability Resource Center Policy and Procedure Manual”, the initial step is to contact the assigned access counselor, during the site visit, it was stated there was no complaint or grievance brought by the student to the access counselor, director or the DRC.

Conclusion

Complaint: The student’s approved accommodations were not followed in classes.

In reviewing, section 504 of the Rehabilitation Act of 1973, a public university is banned from discriminating against an individual who has been deemed “qualified” through any program or activity that is offered, due to the university receiving various forms of federal financial aid. Northern Illinois University has a specific department dedicated to students with a disability to assist them in maneuvering the college experience, learning environment and to ensure that the students become successful. It was difficult to determine if the student’s accommodations were disregarded or not, because there was no documented in-house complaint paperwork. Based on the site visit interview with the staff of the university and specifically the director of the DRC, the impression is that the university personnel work to ensure that students needs are addressed appropriately and timely, also the DRC gave the impression that advocating for students to be successful with limited

barriers is top priority. The complaint that a student's approved accommodations were not followed is **unsubstantiated**; there is no documented complaint or grievance filed.

Complaint: The student was not reimbursed after withdrawing from courses during the appropriate timeframe.

The student's reimbursement for both semesters (Spring 2018 and Fall 2018) were completed and approved. The issue was the time frame in which the reimbursements was completed. Although both requests were submitted around the same time, for the Spring 2018 request the student did not provide the required documents timely which delayed the reimbursement. The administrative assistant in the Vice-Provost office, in working with the student ensured the paperwork had the correct information listed, by inputting that information. After continued communication from the university to the student in requesting the "licensed provider medical form" and supporting documentation, once received, the university worked diligently to process and issue the reimbursement; thus, the complaint is **unsubstantiated**. Per the University's reimbursement policy, personnel from the school followed the procedures: the student can appeal up to a year past the term that they withdrew, the student must notify their respect program department, the student must complete the "appeal for exception reimbursement form", the medical provider must complete "licensed provider medial documentation form". Once all forms are received, reviewed and are determined appropriate, the reimbursement can be returned; this process occurred in both appeals for reimbursement.

RESPONSE

Notice: The following page(s) contain the provider response. Due to technical requirements, some provider responses appear verbatim in retyped format.
