Lynchburg College

College Dietary Plan
Reasonable Accommodation Policy

Section I: Introduction and Background

Lynchburg College Disability Services works with students to provide accommodations for dietary needs related to medical disabilities in compliance with Section 504 of the Rehabilitation Act of 1973, The Americans with Disabilities Act of 1990 (ADA), and the ADA Amendments Act of 2008 (ADAAA). ADAAA defines disability as a physical or mental impairment that substantially limits one or more major life activities. Under this definition, an impairment is a disability if it substantially limits the ability of the person to perform a major life activity as compared to the average person in the general population.

The ADA/ADAAA prohibits an institution from discriminating against an individual on the basis of disability in the full and equal enjoyment of the College's goods, services, facilities, privileges, advantages, or accommodations. Lynchburg College acknowledges that it must also make reasonable modifications in policies, practices, or procedures when modifications are necessary to afford goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such a modification would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations.

Residential Lynchburg College students have a mandatory College meal plan. Lynchburg College recognizes the importance of providing reasonable accommodations in its dining services' policies and practices where necessary, for individuals with disabilities to use and enjoy College Dining Services. This policy explains the specific requirements and guidelines which govern requests for reasonable accommodation in Lynchburg College Dining Services. Lynchburg College reserves the right to amend this policy at any time, as circumstances require.

Section II: Procedure for Requesting Reasonable Accommodation

The Disability Services Office ("Disability Services") is responsible for evaluating whether to grant or deny requests for reasonable accommodation for College Dining Services. In evaluating the request, Disability Services will consult with Dining Services, the College Dietician, the College Health and Counseling Center, the Office of Residence Life ("Residence Life"), and the Dean of Students Office as necessary, to determine whether the requested accommodation is necessary and reasonable. Individuals with a disability who reside or intend to reside in college housing and thereby have a mandatory meal plan, who believe they need a reasonable accommodation, must contact Disability Services.

Requests for reasonable accommodation in College Dining Services facilities, which require a meal plan, are governed by the following requirements:

1) An individual with a disability must complete the **Lynchburg College Disability Accommodations Request Form for College Dietary Plan** (the "Request Form") to request a reasonable accommodation. Copies of the **Request Form** are available online or through the Disability Services Coordinator. If the individual requires assistance in completing the **Request Form** because of his/her disability, Disability Services will provide assistance in completing the form.

2) Lynchburg College will accept and consider requests for reasonable accommodation in College Dining Services at any time. The individual making the request for accommodation should complete and provide the **Request Form** to Disability Services as soon as practicably possible before moving into college housing. However, if the request for accommodation is made fewer than 60 days before the individual intends to move into college housing, Lynchburg College cannot guarantee that it will be able to meet the individual's accommodation needs. Students approved for alternative meal plan as a Dietary Accommodation after the start of a term will receive a pro-rated refund of any funds prepaid, as determined by the Lynchburg College Business Office. Accommodations for meal plans are not retroactive.

3) If the need for the accommodation arises when an individual already resides in college housing, he/she should contact Disability Services and complete the **Request Form** as soon as practicably possible. Lynchburg College cannot guarantee that it will be able to meet the individual accommodation needs in a timely manner unless reasonable notification is provided.

4) Absent exceptional circumstances, the College will attempt to provide a written response to a reasonable accommodation request within fourteen (14) business days of receiving the information described in paragraph two (2) below:

Section III: Information that May Be Requested for Dietary-Related Reasonable Accommodation Requests

Disability Services will limit its requests for information to only the information necessary to verify whether the individual making the request has a disability and/or to evaluate if the reasonable accommodation is necessary to provide the individual an equal opportunity to use and enjoy College dining services.

1. Obvious Disability: If the individual's disability and the necessity for the accommodation are obvious the individual need only explain what type of accommodation he/she is requesting. No verification of disability and/or necessity is required under these circumstances.

2. Non-Obvious Disability/Necessity

   a. If the disability is obvious but the need for the accommodation is not obvious, the College may require the individual to complete the **Reasonable Accommodation Verification Form for College Dietary Plan** ("Verification Form") and designate a reliable third party who can verify that the requested accommodation is necessary to provide the individual an equal opportunity to use and enjoy College Dining Services but the College may not seek information about the individual's disability.

   b. If the disability and necessity for the accommodation are not obvious, Disability Services will require the individual to complete the Verification Form and designate a reliable third party who can verify that the individual has a disability and that the requested accommodation is necessary to provide the individual an equal opportunity to use and enjoy College dining services.

   c. A reliable third party is someone who is familiar with the individual's disability and the necessity for the requested accommodation. A reliable third-party includes, but is not limited to, a doctor or

other medical professional or a Registered Dietician.

d. Absent exceptional circumstances, within seven (7) business days of receiving the completed Verification Form from the third-party, the Disability Services Coordinator, will determine if, because of a disability, the accommodation is necessary to provide the individual an equal opportunity to use and enjoy college housing.

e. Other forms of documentation (e.g. diagnostic testing, letter, medical records) will be accepted, but additional necessary information not provided may be required.

f. If the third party returns the Verification Form without sufficient information for Disability Services to determine whether an accommodation is necessary, the Disability Services Coordinator, within seven (7) business days of receiving the verification, will inform the individual in writing of the verification's insufficiency and may request additional information, including speaking directly with the individual supplying the third-party verification.

g. The individual making the request for accommodation must cooperate with Disability Services in a timely manner in providing all information needed to determine whether the requested accommodation is necessary.

Section IV: <u>Determination of Reasonableness</u>

1) Disability Services may deny the requested accommodation if it is unreasonable. Disability Services will consult with Dining Services, the College Dietitian, the Lynchburg College Health and Counseling Center, the Office of Residence Life ("Residence Life"), and the Dean of Students Office as necessary to determine if implementing the requested accommodation is reasonable.

2) An accommodation is unreasonable if it: (1) imposes an undue financial and/or administrative burden; (2) fundamentally alters College Dining Services' policies; (3) poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including College property; and/or (4) is otherwise unreasonable to the operation of the College.

Section V: <u>Approval of Accommodation</u>

1) If Disability Services determines a requested accommodation is necessary and is not unreasonable, Disability Services will engage in an interactive process to provide the student with reasonable accommodations. The College will ensure that any modification plan is provided in the most integrated setting appropriate to the needs of the individual with the disability. The steps of this process are as follows:
   a) Schedule an appointment with the student to review documentation, go over specific disability information and concerns, explain policy and discuss individual needs.
   b) Schedule an appointment with the student, Disability Services, and Dining Services to review individual dietary needs and develop an Individual Dietary Plan (IDP).

c) Schedule an appointment with the student within seven (7) business days of the individual planning meeting to review, edit as necessary and approve the IDP for the student.
d) Provide a copy of the approved IDP to the student and Dining Services within seven (7) business days of the appointment.

2) Adjusted Meal Plan
   a) Depending upon the individual circumstances, the College may allow students to have a reduced meal plan as a possible form of a reasonable accommodation.
   b) Depending upon the individual circumstances, the College may allow students to be exempt from the mandatory meal plan as a possible form of reasonable accommodation.
   c) Disability Services will notify the Business Office and the Office of Residence Life of any approved Meal Plan accommodations.

Section VI: Denial of Accommodation/Appeal

1) If Disability Services determines a requested accommodation is not necessary, or is necessary but unreasonable, Disability Services will contact the student, Dining Services and the Business Office, in writing, within seven (7) business days of its determination and engage in an interactive process with the individual to determine if there are alternative accommodations that might effectively meet the individual's disability-related needs.

2) If the individual is unwilling to accept any alternative accommodation offered by Disability Services or there are no alternative accommodations available, Disability Services will provide written notification to the individual, Dining Services and the Business Office, the reasons for the denial, the right to appeal the decision, and the procedures for that appeals process. The notification shall be in writing and made within seven (7) business days of the notification from the individual of his/her unwillingness to accept any of the alternative accommodations offered or the determination that there are no alternative accommodations available.

3) All appeals are reviewed by the Lynchburg College ADA/Section 504 Compliance Officer. If the appeal is denied, Lynchburg College's ADA/Section 504 Compliance Officer shall provide written notification of the denial to the individual and a written explanation with all of the reasons for the denial.

4) An individual may also use the grievance procedure provided under the general College antidiscrimination policies. This grievance procedure can be found at: http://internal-public.lynchburg.edu/hr/HumanRightsPolicy.pdf

Section VII: Confidentiality and Recordkeeping

In processing requests for reasonable accommodations, the College will take all steps required by federal, state, and/or local law to protect the confidentiality of any information or documentation disclosed in connection with the requests. This may include limiting access to confidential information to individuals specifically designated to determine and implement requests for reasonable accommodations. Those individuals will disclose the information only to the extent necessary to determine whether to grant the request, determine if the request is unreasonable, and

implement any request granted. All written requests and accompanying documentation will be kept in a secure area to which only those designated individuals have access, except as otherwise required by law.

Section VIII: Non-retaliation Provision

Lynchburg College will not retaliate against any individual because that individual has requested or received a reasonable accommodation in college housing.

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Please contact the Disability Services Coordinator with any questions or concerns.