

POLICIES AND PROCEDURES FOR FUTURE PROFESSIONALS WITH DISABILITIES

SECTION#1: Accommodation Procedures for Future professionals with Disabilities

SECTION#2: Grievance Procedures for Future professionals who have Complaints on the Basis of Disability

SECTION#1: Accommodation Procedures for Future professionals with Disabilities

Non-Discrimination Policy

It is the policy of THE TEMPLE: A Paul Mitchell Partner School to comply with Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act, which are federal laws that prohibit discrimination on the basis of disability. THE TEMPLE: A Paul Mitchell Partner School does not discriminate on the basis of disability against a qualified person with a disability in regard to application, acceptance, grading, advancement, training, discipline, graduation, or any other aspect related to a future professional's participation in a program of THE TEMPLE School. This applies to all future professionals and applicants for admission to the school. THE TEMPLE: A Paul Mitchell Partner School will provide reasonable accommodations to future professionals with qualified disabilities.

Definition of an Individual with a Disability

An **individual with a disability** is a person who has a physical or mental impairment, which substantially limits one or more major life activities of the individual over a long period of time. These persons are protected by Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA). Individuals with a record of such an impairment and individuals who are regarded as having such an impairment are also protected by these federal laws. The definition of "disability" in Section 504 and the ADA should be interpreted to allow for broad coverage. Most "short term" injuries or diagnosis are not covered unless they produce serious, long term, consequences or have a major impact on life activities.

The phrase **physical impairment** means a physiological disorder or condition, a cosmetic disfigurement, or an anatomical loss, that affects one or more of the following body systems: neurological; musculoskeletal; special sense organs (which would include speech organs that are not respiratory such as vocal cords, soft palate, tongue, etc.); respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine. Examples include, but are not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV disease (symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

The phrase **mental impairment** means any mental or psychological disorder, including but not limited to, mental retardation, organic brain syndrome, emotional or mental illness, specific learning disabilities, post-traumatic stress disorder, depression and bipolar disorder. The phrase **substantially limits** must be interpreted without regard to the ameliorative effects of mitigating measures, other than ordinary eyeglasses or contact lenses. Mitigating measures are things like medications, prosthetic devices, assistive devices, or learned behavioral or adaptive neurological modifications that an individual may use to eliminate or reduce the effects of an impairment. These measures cannot be considered when determining whether a person has a substantially limiting impairment. An impairment that is episodic or in remission is a disability if, when in an active phase, it would substantially limit a major life activity. For example, a future professional with bipolar disorder would be covered if, during manic or depressive episodes, the future professional is substantially limited in a major life activity (e.g., thinking, concentrating, neurological function, or brain function).

The phrase **major life activities** means functions such as caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. Major life activities also include major bodily functions such as functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

THE TEMPLE School's Responsibilities to Future Professionals with Disabilities

THE TEMPLE School must provide **academic adjustments, auxiliary aids, and reasonable accommodations** to future professionals with disabilities, that are necessary to ensure future professionals are not denied the benefits of, or excluded from participation in, the school's program. The school must make modifications to its academic requirements that are necessary to ensure that the requirements do not discriminate against future professionals with disabilities. The school must ensure that it provides physical access to future professionals with disabilities. It is also the responsibility of THE TEMPLE: A Paul Mitchell Partner School to permit future professionals with disabilities to use service dogs on each campus.

The person responsible for implementing these responsibilities at THE TEMPLE: A Paul Mitchell Partner School campus is: **Emily Kline**; ADA Compliance Coordinator; **22 W Church Street, Frederick, MD, 21701**; **301-682-7550**; **emilyk@pmthetemple.edu**.

When a future professional informs a school staff member that the future professional is disabled, or needs accommodations or assistance due to disability, the staff member will refer the future professional to the school's ADA Compliance Coordinator.

Procedures for Future Professionals and THE TEMPLE School

Documentation of disability by future professionals

Future professionals with disabilities who wish to request reasonable accommodations (including academic adjustments, auxiliary aids, or modifications) must contact the ADA Compliance Coordinator named above. Future professionals must provide documentation of disability from an appropriate professional, which depends on the nature of the disability. For example, a future professional with a psychological disability should provide documentation from a psychologist, psychiatrist or social worker. The documentation submitted must be within the last twelve (12) months, if older than twelve (12) months the future professional must provide current documentation from the appropriate professional.

This documentation may be the future professional's existing medical records, or reports created by the future professional's medical provider or an appropriate professional who conducts an assessment of the future professional. It may be documentation from the future professional's past educational records such as reports from teachers or school psychologists, or records that show the future professional's educational history, disability assessment, and the accommodations the future professional previously received. It may be records from the state department of rehabilitation or the U.S. Department of Veterans Affairs. Documentation should be current and relevant, but that does not mean that a recent report or record is needed in all cases. Some disabilities are stable lifelong conditions and historic documentation will be sufficient. Some disabilities are readily apparent and observable and thus little or no documentation will be needed.

The documentation of disability is kept at all times in a locked, private file at the school. To protect privacy, direct access to this documentation is by written consent only. The ADA Compliance Coordinator will determine what information needs to be shared with THE TEMPLE: A Paul Mitchell Partner School staff and Learning Leaders, on an "as-needed basis," in order to facilitate academic accommodations or other services.

Future professional requests for accommodations and interactive discussion with ADA Compliance Coordinator

Future professionals who plan to request accommodations should contact the ADA Compliance Coordinator promptly, so there is time for the Coordinator to review the future professional's documentation and discuss accommodations with the future professional before the future professional begins the class or program for which the accommodation is being requested. When a future professional contacts the Coordinator, the Coordinator will keep a record of the dates and contacts with the future professional, including a record of the accommodations requested by the future professional. Future

professionals who have questions about the type of documentation they need to provide should contact the Coordinator to discuss this.

The future professional and the ADA Compliance Coordinator will discuss how the future professional's impairment impacts the future professional, how the future professional expects the impairment to impact the future professional in the school's program, the types of accommodations the future professional has previously received (if any), and the accommodations being requested by the future professional from THE TEMPLE School. The Coordinator and the future professional should discuss accommodations needed during all phases of the program (Core, Adaptive and Creative), and for classroom instruction, skills-based instruction, and skills practice.

The documentation (or observation) must show the nature of the future professional's disability and how it limits a major life activity. The accommodations requested by the future professional should be related to these limitations. There are no pre-set accommodations for specific disabilities. Instead, the Coordinator and the future professional must discuss and determine what the future professional's limitations are, and how they can be accommodated.

Here are some examples:

- #1: A future professional with an orthopedic disability may need cushioned floor mats and scheduled times to sit down. These future professionals may also need particular kinds of chairs.
- #2: A future professional with a learning disability or attention deficit disorder may need extra time to take tests, such as ninety minutes to take a test instead of the sixty minutes allowed to other future professionals. These future professionals may need to take their tests in a location that is quiet and has no distractions, such as an office rather than the classroom.
- #3: A future professional with a learning disability or psychological disability may need a note taker, a copy of the instructor's notes or presentation, or to use a tape recorder during instruction.
- #4: A future professional with post-traumatic stress disorder or an anxiety disorder may need to take periodic leaves of absence, or may need to structure their program so that it is scheduled over a longer period of time than usual. These future professionals may need to take breaks in a quiet room during skills practice.
- #6: A future professional with a hearing impairment may need instructors to use voice amplification systems, or may need the school to provide a sign language interpreter.
- #7: A future professional with diabetes may need periodic breaks to check his or her blood sugar level.

Decision about accommodations, and ensuring implementation of accommodations

The ADA Compliance Coordinator will decide the accommodations to be provided to the future professional. The Coordinator will consider any past accommodations that have been effective for the future professional, and will give primary consideration to the type of accommodation requested by the future professional. Alternate accommodations may be provided if there is an alternative accommodation that would be equally effective for the future professional.

The Coordinator will make a decision no later than two weeks after the future professional states the request for an accommodation. If the future professional does not submit documentation of a disability at the time the future professional requests an accommodation, the Coordinator will make a decision no later than two weeks after the future professional provides the documentation.

The Coordinator will list the approved accommodations in writing and provide this to the future professional. The Coordinator will inform the appropriate Learning Leaders and school staff of the accommodations they are responsible for providing to the future professional, how to provide the accommodations, and when to provide the accommodations. The Coordinator will keep a written record of these contacts about the future professional's accommodations. The Coordinator will verify that the accommodations are being implemented for the future professional through direct observation, report by the future professional, and/or documentation from the school staff. If the future professional informs the Coordinator that an accommodation is not being fully implemented, the Coordinator will immediately intervene with relevant staff members to ensure the accommodation is provided to the future professional.

After accommodations have been approved for a future professional, the Coordinator will make an appointment with the

future professional for a time when the future professional's program is expected to change. The purpose of the appointment is to determine whether the future professional's accommodations should be changed when the future professional's program phase changes, or the type of instruction changes.

Additional factors

THE TEMPLE School is not obligated to provide accommodations that would result in a fundamental alteration of the school's program. In this case, the Coordinator will promptly search for an equally effective alternate accommodation for the future professional that would not fundamentally alter the program. The Coordinator will offer the alternate accommodation to the future professional.

The school is not obligated to provide accommodations that would result in an undue financial or administrative burden on the school. If the Coordinator decides that a requested accommodation might impose such a burden, the Coordinator will discuss the issue with the **Compliance Leader**, who will take into account the overall financial resources of the school. The **Compliance Leader** will make the final decision, in accord with the requirements of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. If the **Compliance Leader** determines that the requested accommodation would be an undue burden, the Coordinator will promptly search for an equally effective alternate accommodation for the future professional and offer the alternate accommodation to the future professional.

Appeals by Future Professionals

A future professional may appeal any accommodation decision made by the ADA Compliance Coordinator if the future professional disagrees with the decision. Here are some examples: A future professional may appeal the Coordinator's decision to deny a requested accommodation. A future professional may appeal a decision by the Coordinator to provide an alternate accommodation rather than the specific accommodation requested by a future professional. A future professional may appeal a decision by the Coordinator that the future professional has not presented sufficient documentation to support the requested accommodation. A future professional may also file an appeal when a school staff member fails to provide an approved accommodation, and the Coordinator has not effectively addressed the situation.

When a future professional wishes to file an appeal, the future professional must notify **Charles R Riser JR, Compliance Leader; 22 W Church Street, Frederick, MD, 21701; 240-680-9347; charles@pmthetemple.edu**. The future professional must explain his/her reasons for disagreeing with the Coordinator's decision, or explain how the future professional's accommodation is not being implemented, and submit any relevant documentation.

Within five (5) calendar days of receiving a future professional's appeal, the **Compliance Leader** will meet with the future professional and the Coordinator to discuss the issues presented by the future professional's appeal. If appropriate, the **Compliance Leader** will also discuss the issues with other school staff members.

When a future professional appeals a decision made by the Coordinator, the **Compliance Leader** will determine whether the Coordinator's decision should be revised or remain the same. If the decision is revised, the **Compliance Leader** will ensure that the revised decision is implemented.

When a future professional files an appeal on the basis that an approved accommodation is not being implemented, the **Compliance Leader** will determine whether the accommodation is being fully implemented, and if it is not, ensure that the accommodation is implemented. The **Compliance Leader** will inform the future professional of the decision in writing no later than fourteen days after receiving the future professional's appeal.

Training and Mediation Responsibilities of the ADA Compliance Coordinator

The ADA Compliance Coordinator at each campus will deliver disability training sessions for all campus staff members at least once each calendar year. In these training sessions, the Coordinator will explain the basic requirements of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act as they apply to the school. The Coordinator will address: the school's responsibility to provide accommodations to future professionals with disabilities; how to appropriately interact with future professionals with particular kinds of disabilities; how to go about implementing accommodations that the Coordinator has approved for future professionals; how to support future professionals with disabilities in the school's programs; that future professionals with disabilities cannot be penalized for using approved accommodations. The Coordinator will keep a record of each training session.

The Coordinator may also provide trainings for future professionals who wish to learn about the school's process for providing accommodations, or about the school's grievance procedures.

To help ensure that future campus staff members and future professionals are aware of the school's policies, the Coordinator will make sure that the Accommodations Procedures and the Grievance Procedures are continually posted at the campus.

The Coordinator will assist future professionals with disabilities who have concerns about implementation of their accommodations or their treatment by the school staff members or other future professionals. At the request of a future professional, the Coordinator will informally mediate or attempt to resolve issues related to the future professional's disability. If this informal process does not resolve the future professional's concerns, the future professional may file a grievance as described in Section II below.

SECTION #2: Grievance Procedures for Future professionals who have Complaints on the Basis of Disability

THE TEMPLE: A Paul Mitchell Partner School is responsible for providing a grievance procedure to future professionals who feel they have been discriminated against on the basis of disability. The grievance procedure provides future professionals the opportunity to file a complaint. The school then has the responsibility to objectively investigate the allegations in the complaint and determine whether the future professional has been discriminated against. If the school determines that discrimination occurred, the school must take appropriate steps to correct the discrimination and prevent it from reoccurring.

Grievance complaints

A future professional may file a grievance if the future professional feels he or she has been discriminated against because the future professional is disabled, or because the future professional is regarded as being disabled, or because the future professional has a record of being disabled. A future professional may also file a grievance if the future professional feels that he or she has been retaliated against for advocacy based on disability.

Here are some examples of discrimination:

- #1: An instructor or other future professionals refer to the future professional in a derogatory way related to the future professional's disability.
- #2: An instructor generally refers to future professionals with particular types of disability in a derogatory way.
- #3: Other future professionals refuse to work with the future professional because the future professional is disabled.
- #4: A school staff member refuses to provide a service to the future professional that the staff member provides to other future professionals.
- #5: A school staff member takes a negative action toward the future professional after the future professional asked for accommodations for a disability.
- #6: A guest presenter at the school makes derogatory statements about future professionals with disabilities, or states that future professionals with disabilities can never be employed in the presenter's field.
- #7: A future professional's request for accommodation was denied by the school, or an instructor did not implement

an accommodation for the future professional that was approved by the school.

A future professional must file a grievance complaint within ninety (90) days of the date the discriminatory act occurred, or within ninety (90) days of the end of an informal attempt to resolve the complaint, whichever is later. The complaint must be written. In the complaint, the future professional must describe what happened and the dates the acts took place, and state who was involved. The future professional should explain why the future professional believes the acts were taken based on disability. The future professional should describe or provide copies of any relevant documents or e-mails, if available.

A future professional may ask the Campus ADA Compliance Coordinator to try and informally resolve the future professional's complaint before the future professional files a written complaint. **However, the future professional is not required to try informal resolution before filing a written complaint.**

The complaint must be sent to **Trish Kaiser; School Director; 22 W Church Street, Frederick, MD, 21701; 240-680-9349; trishk@pmthetemple.edu.**

Investigation of the Complaint

When the School Director receives a written complaint, the School Director will immediately begin an objective investigation. The school has the right to contract with an independent investigator to conduct any investigation. Within seven days, the School Director will discuss the allegations in the complaint with the future professional, and obtain any needed additional information from the future professional. The School Director will obtain from the future professional the names of any persons the future professional believes will have relevant information.

The School Director will gather all information necessary to determine what took place. To do so, the School Director will interview any school staff members or future professionals who engaged in the actions or may have witnessed the actions that the future professional is complaining about.

The School Director will interview persons that the future professional stated may have relevant information. The School Director will gather any relevant documents such as e-mails, future professional work, or instructor's records. During the investigation, the School Director will disclose the complaint, and confidential information about the future professional, only to the extent necessary to investigate the allegations of the complaint.

After reviewing all the evidence gathered, the School Director will determine whether the future professional was treated differently from other future professionals based on disability; or whether the future professional was harassed based on disability; or whether the future professional was retaliated against because the future professional advocated on the basis of disability; or whether the future professional was denied an accommodation that the school should have provided to the future professional.

Written Decision

The School Director will provide the future professional with a written decision no later than sixty days after the date the future professional filed the complaint. The decision will state the determination reached by the School Director at the conclusion of the investigation, and the reasons the School Director reached that determination. If the School Director concludes that the future professional was discriminated against on the basis of disability, the decision will state the types of remedial action that the school has taken or will take to correct the discrimination. The decision will also state how the school will prevent the discriminatory acts from occurring again.

Appeals by Future Professionals

If the future professional who filed the complaint disagrees with the decision made by the School Director, or disagrees with the remedial action specified, the future professional may appeal the decision to the School Owner. The appeal

must be written and sent to **Charles R Riser JR; co-owner; 301-682-7550; 22 W Church Street, Frederick, MD, 21701; charles@pmthetemple.edu**. The appeal must state the specific reasons that the future professional disagrees with the decision. Appeals must be filed no later than thirty (30) days after the future professional receives the written decision from the School Director.

The School Owner will review all the information provided by the future professional in the appeal, the decision by the School Director, the interview records made by the School Director, and the documents gathered by the School Director. The School Owner will issue a written decision to the future professional within fourteen days after receiving the future professional's appeal. The School Owner will determine whether the decision should be revised or remain the same. If the School Owner determines that the decision should be revised, the School Owner will ensure that any necessary changes in the remedies are implemented.

U.S. Department of Education

Future professionals or the school staff who have questions or concerns about disability issues may contact the Office for Civil Rights (OCR), U.S. Department of Education. OCR enforces Section 504 of the Rehabilitation Act and the Americans with Disabilities Act as they apply to postsecondary educational institutions.

The OCR National Headquarters is located at:

**U.S. Department of Education, Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg
400 Maryland Avenue, SW
Washington, DC 20202-1100**

Telephone: **(800) 42 1-3481**

FAX: **(202) 453-60 12; TDD: (877) 52 1-2172**

E-mail: **OCR@ed.gov**

OCR has regional offices located throughout the country. To find the office for our state, check the OCR website at:

<http://wdcrobcop01.ed.gov/CFAPPS/OCR/contactus.cfm>

or call the telephone number above.