

Personal Care Attendant Policy and Procedure

Subject:	Student Disability Accommodations
Revised:	N/A
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Responsible Party:	Office of Disability Services

100.00 Introduction and Purpose

Montana State University seeks to provide access for qualified students to all University programs and services. To ensure a student's full participation in, and enjoyment of, these programs and services, the University understands that a Personal Care Attendant (PCA) may be needed as an individual accommodation. The services of a PCA can have an important role in an individual's quality of life. The selection of a qualified PCA, as well as ongoing effective communication with the PCA, are critical for a successful experience. Students who require personal care assistance must provide their own PCA and must follow the policies, procedures and guidelines contained in this document. The University is not responsible for the coordination of services, management, training, or financial compensation for the PCA.

This policy defines the requirements for the approval and use of a PCA in the classroom, University Student Housing, or any University facility or activity that is limited to students or members of the University community.

200.00 Definitions

1. **ODS** – means the Office of Disability Services at the University.
2. **Student with a Disability** – means an otherwise qualified University student who has a physical or mental impairment that substantially limits one or more major life activities, as specified according to the Americans with Disabilities Act.
3. **Personal Care Attendant (PCA)** – is a person who provides support to a student with a disability to live a more independent life by performing personal care duties or services. A PCA works directly for the student with a disability and may be a family member or an individual hired to provide such support. The tasks a PCA performs are comparable to those that a family member or medical professional would perform and will vary from person to person. Possible tasks performed by a PCA may include, but are not limited to:
 - providing help with activities of daily living, such as bathing, dressing, toileting, grooming, eating
 - housekeeping and meal preparation
 - positioning or transferring to and from a wheelchair
 - monitoring any medical condition or reminding to take prescribed medications
 - transporting and/or escorting
 - other duties as appropriate and needed

300.00 Student Responsibilities

300.10 General Student Responsibilities

A PCA is considered a personal service; therefore, students with disabilities who require a PCA are responsible for all arrangements pertaining to hiring, paying, training, and managing their own PCA. Students desiring to utilize the services of a PCA in the classroom or in any University facility or activity that is limited to students or members of the University community are responsible for the following:

1. Selecting, hiring, training, paying for, and directing the activities of the PCA. Students intending to live in University Student Housing must secure an approved PCA prior to residing in University Student Housing when necessary to meet the student's daily life activities. The University will not be responsible for providing a PCA on an interim basis.
2. Providing ODS with a copy of any contract for services between the student and the PCA.
3. Following, and ensuring the PCA follows, all University policies, rules, regulations, and procedures. The student shall be held accountable for any policy violations committed by the PCA.
4. Ensuring that if PCA personnel changes occur, the student will immediately notify ODS and University Student Housing and comply with all other requirements of this policy for approval of the new PCA.
5. Having a backup or alternative plan of action should the regular PCA not be available to work with the student on a particular day or in a particular class. The student should also have a written plan in place for emergency school closures.

300.20 Student Responsibilities When Living with a PCA in University Student Housing

In addition to the responsibilities identified in section 300.10, students living with PCAs in University Student Housing are also responsible for the following:

1. Submitting the PCA's schedule to ODS and University Student Housing.
2. Ensuring that all University Student Housing keys provided to the PCA are immediately returned to University Housing in the event the PCA's employment with the student is terminated. Student is responsible for any charges for lost keys.
3. Ensuring that all PCA CatCards are immediately returned to the CatCard Office in the event a PCA's employment with the student is terminated.
4. Adhering to University Student Housing Contract Terms and Conditions and ensuring the PCA complies with all University Student Housing Contract Terms and Conditions.

400.00 Personal Care Attendant Responsibilities

400.10 General PCA Responsibilities

PCAs providing services to students in the classroom or in any University facility or activity that is limited to students or members of the University community are responsible for the following:

1. Following all University policies, rules, regulations, and procedures.
2. Completing a background check with the University's Human Resources department.

3. Notifying the University if the PCA is arrested or convicted of any felony after completion of the University's background check.
4. Conducting oneself in a professional manner while on campus.
5. PCA shall comply with directives from University officials.
6. The PCA should respect the dignity and privacy of the student with a disability and refrain from discussing confidential information about the student with faculty, staff, or other students.
7. Allowing the student to take responsibility for their own progress, behavior, and academic work.
8. Refraining from participating in or disrupting classes or performing any academic or intellectual work on behalf of the student.
9. Refraining from participating in academic or student activities except as required to assist the student with activities of daily living. The PCA will not bring personal guests to campus activities, programs, or facilities.
10. Responsibly using any access to University facilities, equipment, resources, and networks.
11. PCA shall be responsible for any individual expenses incurred (e.g., parking, meals, etc.).
12. PCAs may assist the student before and after class as needed, as well as assist the student in gaining access to a classroom. PCAs are not permitted in classrooms, other than to facilitate a student's access to the classroom, and should wait outside the classroom during class unless otherwise approved in writing by ODS.

400.20 PCA Responsibilities When Living in University Student Housing

In addition to the responsibilities identified in section 400.10, PCAs living with a student in University Student Housing are also responsible for the following:

1. PCA shall comply with directives from University Student Housing personnel.
2. Complying with University Student Housing Contract Terms and Conditions.
3. The PCA will only be allowed access to University Student Housing while the student is in residence. The PCA shall depart the campus when the student is away from campus (e.g., during holiday and semester breaks).
4. Returning all CatCards and University Student Housing keys to the University upon the termination of employment with the student.
5. In the event of an emergency evacuation, the PCA will assist the student with safely exiting the building. The PCA will seek immediate assistance from University officials (i.e., staff or University Police) if assistance is needed to safely evacuate the student.

500.00 Requesting a PCA

Students desiring to utilize the services of a PCA for activities that are governed by this policy must register with ODS and submit a request for accommodation through the ODS website (<https://www.montana.edu/disabilityservices/>). Such requests must be accompanied by appropriate medical documentation to support the necessity of a PCA. The documentation should include: i) an indication or statement that the PCA is necessary due to disability-related reasons; ii) a description of the care or services needed to allow the student to live or function independently; iii) the number of hours a day services are to be provided (e.g., 24-hour presence, waking hours only, three visits a day, etc.); and iv) the services the PCA is anticipated to perform.

ODS will review the documentation and engage in the interactive process with the student to determine whether the requested accommodation is approved.

Approval of a PCA may take thirty (30) days or longer depending on any delays in receiving the required documentation. Therefore, students are encouraged to submit accommodation requests for a PCA with sufficient time for approval before the commencement of classes or moving into University Student Housing. Students who wish to be considered for special housing requests are encouraged to complete all required University Student Housing forms within the specified deadlines.

600.00 Non-Compliance with Policy

Failure to comply with this or any other University policy may result in the immediate removal of the PCA from University property, regardless of the contractual arrangement the PCA has with the student.

700.00 Appeal Process

If a student's request for a PCA is denied, or if a student's PCA is asked to leave campus, including for failure to comply with the provisions of this policy, the student receiving services may submit a request for informal or formal resolution to request a review of the decision, as outlined below.

The University has the discretion to extend the deadlines identified below when determined necessary or appropriate.

700.10 Informal Resolution

Students are encouraged to work with ODS to resolve any conflicts or concerns. Students who disagree with a decision made by ODS may submit a statement in writing to the Director of ODS. The written statement should clearly identify: i) the issue of disagreement; ii) the substantive reason(s) the student disagrees with the decision; and iii) the student's desired outcome. The Director shall have discretion to request additional documents and information from the student and to consult with other University officials, as appropriate. The Director of ODS shall have five (5) business days to respond to the student's request for an informal resolution to the concern(s) identified.

Students must submit a request for informal resolution before filing a formal appeal.

700.20 Formal Appeal

A formal appeal is available for students who have first attempted to resolve the issue through informal resolution, as outlined in section 700.10 above.

A student who disagrees with a decision made regarding the approval or removal of a PCA may appeal the decision, provided it meets the criteria for appeal identified below, by submitting a written letter of appeal to the Vice President for Student Success within five (5) business days of the decision or removal. In cases of removal of a PCA, the University retains discretion to hold the decision to remove the PCA from campus in abeyance until after the appeal.

Disagreement with a determination is not sufficient grounds for a formal appeal. The review by the Vice President for Student Success will be limited to the following grounds for appeal:

1. New evidence has been discovered that could substantially impact the original decision. A summary of this new evidence and its potential impact must be included in the letter of appeal.
2. The student's rights were violated (i.e., a violation of law or there was an error in the procedure which substantially affected the student's ability to receive a fair review).

The letter of appeal must include: i) the issue on appeal; ii) a detailed summary of the pertinent facts fulfilling the above criteria for a formal appeal; iii) the substantive reason(s) the student disagrees with the decision; and iv) the student's desired outcome. If the appeal is accepted, the Vice President of Student Success shall have discretion to request additional documents and information from the student, ODS, or other relevant University officials. If the appeal is not accepted because it does not fulfill one of the criteria identified above or for any other valid reason, the student will be notified within five (5) business days of receipt of the request for appeal.

Upon acceptance of the formal appeal, the Vice President of Student Success shall render a written decision within ten (10) business days from acceptance of the appeal. The Vice President of Student Success may remand the case to ODS or other appropriate University officials for further clarification or processing, overturn the decision, or render an alternative decision.

The decision of the Vice President of Student Success shall be based solely on the record and relevant documentary evidence and is the final decision of the University in this matter. A copy of the decision shall be sent to the student, ODS, and any relevant University officials.