

Student Personal Care Attendant Policy

I. Policy

The University of Portland is committed to reasonably accommodating individuals with disabilities in compliance with applicable state and federal laws. Accordingly, persons with disabilities who require a personal care assistant (PCA) to accomplish activities of daily living are permitted to have a PCA accompany them in University on-campus housing. At the same time, the University has an obligation to be attentive to the health and safety of other individuals within the University campus community. The following procedures are designed to provide guidance to: (1) University staff in meeting these dual obligations; and (2) individuals who utilize personal care assistants.

Accessible Education Services (AES) is responsible for implementing this policy for students.

II. Definitions

Disability: A physical or mental impairment that substantially limits one or more major life activities, such as walking, seeing, hearing, speaking, breathing, working and learning.

Personal care assistant (PCA): A paid, employed individual who assists an individual with a disability with his or her activities of daily living. Personal care assistant (PCA) services may facilitate higher levels of independent access and participation for a student with a disability in the University's programs and activities. A personal care assistant is considered a personal service; therefore, students with disabilities who require a PCA are responsible for all arrangements pertaining to hiring, paying and managing their own PCAs. The University does not provide PCAs, nor does it assume coordination of PCAs, nor does it assume any financial responsibilities for personal care assistance.

Relief personal care assistant (Relief PCA): A paid, employed individual who provides temporary, fill-in assistance to an individual with a disability with his or her activities of daily living, when the regular PCA is sick, unavailable or otherwise unable to work. Relief PCAs who are not current students are subject to the same expectations as regular PCAs, including background checks.

III. General Rules

The services of a personal care assistant (PCA) can have an important role in an individual's quality of life. The thoughtful, considered selection of the right PCA agency, individual, and/or PCA team, as well as ongoing effective communication with the PCA or PCA team, are critical for a successful experience. Students who require personal care assistance must make arrangements to provide for his/her own PCA team and must follow the policies, procedures and guidelines contained in this document.

1. General Guidelines:

- If you live on campus and require an overnight PCA, you are expected to share a double room with your PCA. In accordance with University policy, only same-gender PCAs will be allowed to assist you overnight (after intervisitation hours) and stay in your room. If the live-in PCA is not a current University of Portland student, only you will pay a room charge. If you have a PCA who is a University of Portland student, each student will pay a room charge (unless your PCA has their own room, double or single, separate from your room; in that case, your PCA will only be charged for their own room).
- Same-gender PCAs are required when assisting you with bathing or toileting in a shared or public area restrooms.

IV. Responsibilities of Student Using Personal Care Assistants on Campus

1. Submit an AES Accommodation Request:

- Complete the Accessible Education Services accommodation request process, as outlined in the Office for Students Policy and Procedures, to request accommodations including the utilization of PCAs on campus.
- If you plan to live on campus and you will need the PCA to access the residence hall, you must indicate your need for a PCA on the Residence Life Housing Application form and submit this form as soon as possible. All Residence Life policies apply to your PCA, regardless of his or her status as a student at the University.

2. Hiring and Supervision:

- Hiring and supervision are the sole responsibility of the person utilizing a personal care assistant (team). The person is solely responsible for the cost of care, arrangements, and management responsibilities of his or her PCA (team).

3. Notification: Any residential student who wishes to request to use a PCA who is not a current University of Portland student must:

- Obtain evidence of agency certifications (if using an agency) or PCA certifications and insurance bonding (student must provide to Department of Public Safety)
- Obtain evidence of PCA background check clearances (student must provide to Department of Public Safety)
- Obtain evidence of PCA medical/immunization clearances (student must provide to Department of Public Safety)

4. Plan:

- Secure a PCA (team) and make arrangements for Relief PCAs prior to matriculating. The University of Portland will not be responsible for providing a PCA on an interim basis.
- Create a proactive plan for PCA relief coverage if/when your regular PCAs are not available to work.

5. Manage:

- You are responsible for your PCA's responsible use of all university facilities, equipment, resources, and network activities, in accordance with all University policies, during your PCA's employment duration. You are responsible for any damage or injury to persons or damage to University property, beyond normal wear and tear, caused by your PCA.
- You are responsible for ensuring that: 1) the PCA agency representative and each individual agency PCA, or 2) each private (non-UP-student) PCA, registers with the Department of Public Safety.
- You are responsible for ensuring that all PCA personnel changes are registered with the Department of Public Safety.
- You are responsible for ensuring all academic work completed physically by your PCA is your own intellectual content (e.g., your own ideas, knowledge, analysis, thought processes, artistic expressions, etc., contained within your academic work). Any student who accepts the intellectual assistance of a PCA may be considered in violation of the Code of Academic Integrity.
- You are responsible for ensuring that your PCA carries his or her special University of Portland PCA ID at all times s/he is on campus. Events which are open to all students will be available to the PCA when accompanying the student.
- Non-student PCAs must not use their University of Portland ID for personal access to college facilities, attendance at University community only events, personal use of University resources (including network activities) or to check out University equipment.
- Student PCAs who do not live in on-campus housing must work with the Department of Public Safety to establish ID card access for the on-campus residence hall that he/she will need access to for PCA activities. Student PCAs who do live in on-campus housing, but do not have 24-hour access to the hall where the PCAs will perform their duties will need to work with the Department of Public Safety to determine if ID card access is needed beyond visiting hour access that is already in place.

V. Non-Compliance to Policy

Incidents of non-compliance in adhering to the policies set forth by University of Portland either by the student or his/her PCA will be subject to review as follows:

1. *Informal Review:*

- As appropriate, representatives from the Office of Residence Life, Accessible Education Services, Department of Public Safety and/or other appropriate Departments will meet with the student to discuss the issue of non-compliance and work with the student to determine possible solutions. A written report of the resolution will be given to the student within two working days of completion of the informal investigation.

2. *Formal Review:*

- As appropriate, representatives from the Office of Residence Life, Accessible Education Services, Department of Public Safety and/or other appropriate Departments will convene a formal review of the concern. The formal review may also include other college representatives, such as representatives from the Division of Student Affairs or the Office of the Provost. Sanctions may be determined if the student is found responsible for the matter under review. These could include, for example, the PCA no longer being permitted on University property, a probationary period to correct the matter under review, or the removal of the student from University housing. A written report of the resolution will be given to the student within two working days of completion of the formal investigation.

3. *Appeals:*

- A student may appeal a decision made from the Formal Review by following the Grievance Procedure outlined below.

VI. Reasonable Accommodation/Modification to Policy

Any request to modify this policy as an accommodation for a disability must be submitted in writing to the attention of Accessible Education Services (AES), in accordance with the University's Students with Disabilities Policy and Procedure, the Americans with Disabilities Act as amended, Section 504 of the Rehabilitation Act of 1973, and the Fair Housing Act.

VII. Grievance Procedure

If a student wishes to grieve (appeal) a decision or action taken by a University representative, the student must follow the AES Grievance Procedure outlined in the ADA Policy and Procedure document.

**Policy approved by Vice President for Student Affairs and University General Counsel & Executive Assistant to the President on 8/27/2014*