



SOUTHERN UTAH UNIVERSITY
Policies and Procedures

Policy # 11.9
Date Approved: 11/09/06
Date Amended: 12/04/13
Reviewed w/no Changes:
Office of Responsibility: VP SS
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SUBJECT: ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

I. PURPOSE: This policy establishes the process by which students with disabilities may request and receive reasonable accommodations to address the functional limitations created by their disabilities.

II. REFERENCES

Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12131-12132

Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794

Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g

Utah Board of Regents Policy and Procedures, R-470, General Education, Common Course Number, Lower-Division, Pre-Major Requirements, Transfer of Credits, and Credit by Examination

SUU Policies and Procedures, 5.59, Animals on Campus

SUU Policies and Procedures, 6.30, Excused Absences

SUU Policies and Procedures, 6.36, Course Syllabus

SUU Policies and Procedures, 11.2, Student Conduct Code

SUU Policies and Procedures, 11.11, Disability Grievance Procedures

III. DEFINITIONS

A. **Disability:** A physical or mental impairment that substantially limits one or more major life activities for a period of time exceeding six (6) months.

B. **Reasonable Accommodation:** The term "reasonable accommodation" may include (1) making existing facilities readily accessible to and usable by individuals with disabilities; and (2) acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, course materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities. The term 'accommodation' is inclusive of academic adjustments and auxiliary aids.



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- C. **Qualified Health Care Professional:** A medical or mental health care practitioner with credentials appropriate to the area in question.
- D. **ADA/Section 504 Coordinator:** These duties are divided among three officers at Southern Utah University: (1) Dean of Students, (2) Director of Human Resources, and (3) Director of Construction Services, Space Planning, and Maintenance.
- E. **Essential Academic Requirements:** May include (1) learning outcomes or objectives, (2) professional competencies or standards, (3) performance expectations and (4) the assignments, activities or assessments that are developed to teach or evaluate students' attainment or mastery of the requirements as part of a degree, program or course.
- F. **Fundamental Alteration:** Occurs when a proposed or recommended accommodation invalidates, negates or impedes an essential academic requirement of a degree, program or course.

IV. GENERAL POLICY STATEMENT

In accordance with the *Americans with Disabilities Act of 1990* and *Section 504 of the Vocational Rehabilitation Act of 1973*, Southern Utah University will implement procedures to provide equal access to educational opportunities for individual students with disabilities.

V. REQUESTS FOR ACCOMMODATION

- A. Eligibility for an Accommodation – A student must have a disability as defined by the ADA or Section 504, have a history of such impairment, or be perceived by others as having such impairment.
- B. Requesting an Accommodation
 - 1. A student must voluntarily disclose his/her disability to the Coordinator of Services for Students with Disabilities (hereinafter 'the Coordinator') and provide adequate documentation as part of his/her request for accommodation. The adequacy of documentation is based on the following:
 - a. Essential Elements



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- i. Evaluator qualifications
 - ii. Specific medical or psychological diagnosis(es) as defined by the most current editions of the International Classification of Diseases (ICD) or the Diagnostic and Statistical Manual of Mental Disorders (DSM)
 - iii. History of symptoms
 - iv. Evidence or rationale used to rule out or exclude other conditions
 - v. Comprehensiveness of documentation to support the diagnosis including psycho-educational assessment if relevant
 - vi. Limitations the diagnosis creates relevant to the educational setting
 - vii. Current prescribed medications and the side effects or impact in the educational setting
 - viii. Evidence to establish the functional limitation supporting the recommendation for accommodation
- b. Currency of Documentation - If the student submits documentation that is outdated, the student may be required to provide updated documentation. The following are standard expiration time frames for documentation:
- i. Psychiatric and psychological disabilities – 3 years
 - ii. Learning disabilities – 5 years
 - iii. All other disabilities – 3 years
2. Requests for accommodations should be submitted no later than eight (8) weeks prior to the beginning of the term for which an accommodation is being sought. Requests that are submitted within less than eight weeks will be evaluated as quickly as possible. The University is not responsible for delayed services when requests are not submitted within the expected time frame.
3. The student must sign a *Release of Information* authorizing the Coordinator to inquire about the diagnosed disability and any elements of the documentation that are unclear. Failing to provide a *Release of Information* may delay accommodations.

VI. REVIEW OF REQUESTS AND AUTHORIZATION

A. Initial Review of Request by the Coordinator



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1. All requests are considered on a case-by-case basis. Because accommodation needs may change over time or require adaptation due to new learning environments (e.g. course-specific expectations, new technology, regulatory change, etc.), prior history of accommodation does not warrant the continued provision of the same or similar accommodation.
2. The Coordinator considers the following elements of each request when determining whether the student needs accommodation and the reasonableness of accommodation:
 - a. The recommendation for accommodation by a qualified health care provider is supported by evidence that clearly demonstrates a limitation of one or more major life activities that must be addressed for the student to succeed in an educational setting.
 - b. The course requirements, minimum performance expectations, intended learning outcomes, pedagogical practices – as communicated by the instructor – to determine if the recommended accommodation would lead to a fundamental alteration of requirements.
 - c. The capacity and resources of the University to provide the recommended accommodation.
3. The Coordinator may deny a request for accommodation if:
 - a. The documentation does not prove the need for requested accommodations under ADA,
 - b. Doing so would create an undue burden/hardship on the University, or
 - c. Doing so would constitute a fundamental alteration of the University's required curriculum.

B. Further Review by the Accommodation Review Committee

If a student requests an accommodation that either the Coordinator or an instructor believes would be a fundamental alteration of an academic requirement, the Coordinator will refer the request to the Accommodation Review Committee (hereinafter referred to as “the Committee”). The chairperson of the Committee will implement the following process in a



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timely manner (approximately two (2) school weeks unless the complexity of the request necessitates additional time) to resolve any questions or disagreements about the requested accommodation.

1. The chairperson will determine whether there is a reasonable (logical and credible) basis for the position that implementing the accommodation would result in a fundamental alteration of a requirement; the objection to the accommodation cannot be merely a pretext for discrimination. If there is no reasonable basis, the chairperson will require that the accommodation be implemented immediately. An objection on grounds of “academic freedom” may be an assertion that an accommodation is a fundamental alteration or it may be simply a pretext for what is inconvenient. Such statements must be considered carefully on a case-by-case basis.
2. If a reasonable basis exists, the chairperson will verify that the instructor, department, and/or program have articulated the essential requirements for the course and/or program and provided notice of them to students.
3. The chairperson will convene the Committee of objective persons who collectively are knowledgeable about the academic area, related licensing requirements if any, applicable accreditation for the course of study, the student’s disability, and accommodation methods. Members of the committee will include:
 - a. The chairperson – jointly appointed by the Provost and Vice President for Student Services.
 - b. A representative from Counseling and Psychological Services (CAPS).
 - c. The University Registrar.
 - d. The Dean of the college or school offering the course subject to accommodation. If the respective Dean is the instructor for the course in question, another Dean will be asked to participate.
 - e. The Department Chair of the department offering the course subject to accommodation. If the Department Chair is the instructor of the course in question, another department chair from the same school or college will be asked to participate.



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- f. The Director of the Faculty Center of Excellence for Teaching and Learning.
 - g. Two (2) *ad hoc* faculty members who are knowledgeable about the discipline or program in question. Neither of these faculty members can be the instructor of the course in question.
4. The Committee will identify the objective of the requirement, taking into consideration the information provided by the instructor, program or department concerning essential requirements, including curriculum approval or course creation documents. The committee will ensure that the requirement is not simply based on tradition, convenience or routine practice.
 5. The Committee will consider whether the requirement is consistent with similar programs at other educational institutions, relevant national and/or expert guidelines, and whether there is any unique justification for a requirement that is not generally adopted by other educational institutions. In the case of general education requirements, the Committee will consider the Utah State Board of Regents' Policy R470.
 6. The Committee will consider the information provided by the student relevant to determining whether notice of the essential requirement in question has been provided to the student, and whether the accommodation requested by the student would invalidate the objective of the requirement.
 7. Both the instructor and the student will be offered an opportunity to present directly to the Committee.
 8. The duty to explore the issues relevant to the request for accommodation in a well-reasoned manner, without resort to a pretext for discrimination, rests with the college. The chairperson will facilitate any discussions between the student and the committee, department, program or instructor, and the Coordinator concerning accommodations for the student.
 9. When possible, the chairperson will work with the Coordinator to provide the student with interim accommodations.
 10. The Committee may decide the following:



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- a. The requested accommodation would not invalidate the objective of the requirement and will be implemented immediately.
 - b. The requested accommodation would invalidate the objective of the requirement. In such cases, the Committee will promptly and diligently search for alternate accommodations in consultation with the instructor, the Coordinator, and the student. In identifying alternate accommodations, the Committee will address the following:
 - i. Are there alternate ways that the student can acquire or demonstrate mastery of the skill that would meet the same fundamental objectives of the course or program requirement?
 - ii. Has the Committee diligently searched for potential alternatives?
 - iii. Has the Committee included all the necessary people in this search?
 - iv. Has the Committee identified whether other postsecondary institutions have identified alternatives that achieve the objectives of the College without fundamentally altering requirements?
11. The chairperson will provide prompt written notice of the Committee's decision to the student. If the student believes the Committee erred in making its determination, the student may appeal the Committee's decision to the Disability Grievance Committee by providing a written appeal to the Coordinator. The Coordinator will forward the appeal to the Disability Grievance Committee chairperson (See SUU Policy # 11.11). Students desiring to appeal the Accommodation Review Committee's decision should describe, in sufficient detail, why the Committee's decision was in error, incomplete or ambiguous, was not supported by evidence, or was otherwise improper.
12. The chairperson and the Coordinator will take all steps necessary to ensure that the final approved accommodation is implemented fully and promptly by the college, including by any instructor who previously may have objected to the accommodation.



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VII. RESPONSIBILITIES

A. Students – Once an accommodation has been approved, students are required to adhere to the following expectations:

1. The Coordinator will provide each student with accommodation letters. Students will be responsible for delivering the accommodation letters to their instructors in a timely manner.
2. Students must adhere to the conduct and performance standards of Southern Utah University (See SUU Policy # 11.2).
3. Students must meet with the Coordinator each semester for a case review to determine the effectiveness of academic adjustments, accommodations or auxiliary aids and the appropriateness of continuing their use in future courses.

B. Instructors

1. All instructors must provide a class syllabus for students with the following language included:

“Students with medical, psychological, learning or other disabilities desiring academic adjustments, accommodations or auxiliary aids will need to contact the Southern Utah University Coordinator of Services for Students with Disabilities (SSD), in Room 206F of the Sharwan Smith Center or phone (435) 865-8022. SSD determines eligibility for and authorizes the provision of services.”
2. If the Coordinator requests additional information or explanation of course requirements, instructors will promptly cooperate.
3. Instructors will implement accommodations approved and authorized by the Coordinator or Accommodation Review Committee.
4. Instructors will maintain confidentiality and will not discuss any accommodation or disability-related information with anyone other than the Coordinator and the student. Communicating with students regarding their disabilities should be handled discretely and privately.
5. Instructors should consult with the Coordinator when there is a need to understand the nature and extent of authorized academic adjustments,



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accommodations, or auxiliary aids or when accommodations do not appear to be adequate or restrict the course activities, exercise or assignments.

6. Instructors may submit grievances to the Disability Grievance Committee to resolve any concerns or problems with the implementation of accommodations.