



## UTAH VALLEY UNIVERSITY Policies and Procedures

<b>POLICY TITLE</b>	Accommodations for Individuals with Disabilities	<b>Policy Number</b>	152
<b>Section</b>	Governance, Organization, and General Information	<b>Approval Date</b>	January 23, 2020
<b>Subsection</b>	Individual Rights	<b>Effective Date</b>	January 23, 2020
<b>Responsible Office</b>	Office of the Vice President of Student Affairs		

### 1.0 PURPOSE

**1.1** To ensure that all persons can access Utah Valley University’s services, the University is committed to providing reasonable accommodations to students, employees, and guests with disabilities in compliance with federal law. The Office of Accessibility Services (OAS) and Human Resources work to assist individuals with disabilities seeking equal access to all university programs, services, and activities, and to support faculty in the delivery of accommodations and materials needed for classroom and field experiences.

### 2.0 REFERENCES

**2.1** *Americans with Disabilities Act of 1990*, 42 U.S.C. § 12101 (1990) (as amended by Pub. L. No. 101-336, 104 stat. 327)

**2.2** *Family Educational Rights and Privacy Act (FERPA)*, 20 U.S.C. § 1232g (1974)

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

**2.4** *Nondiscrimination on the Basis of Disability in State and Local Government Services*, 28 C.F.R. § 35 (1991)

**2.5** *Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance*, 34 C.F.R. § 104 (1980)

**2.6** *Rights and Privileges of a Person with a Disability*, Utah Code Ann. § 62A-5b-101 (2007)

**2.7** UVU Policy 160 *Animals on Campus*

**2.8** UVU Policy 165 *Discrimination, Harassment, and Affirmative Action*

**2.9** UVU Policy 371 *Corrective Actions and Termination for Staff Employees*

**2.10** UVU Policy 541 *Student Code of Conduct*



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### 2.11 UVU Policy 648 *Faculty Personnel Reduction*

## 3.0 DEFINITIONS

**3.1 ADA Coordinators:** University personnel responsible for supporting accommodation requests include the Director of the Office of Accessibility Services (student and visitor requests), the Employee Accommodations Coordinator in Human Resources (employee requests), and the Associate Vice President of Facilities (UVU facilities compliance with ADA regulations), and their designees.

**3.2 Direct threat:** A significant risk to the health or safety of others as determined by an individualized assessment of the best available, objective evidence, including observation. The individualized assessment may include the nature, duration, and severity of the risk; the probability of harm or injury; and the availability of reasonable accommodations to minimize or eliminate the risk.

**3.3 Disability:** A physical or mental impairment that substantially limits one or more major life activities, or a record of such an impairment, or being regarded as having such an impairment.

**3.4 Essential requirements:** The learning outcomes or objectives, professional standards, conduct standards, performance expectations, and assignments, activities, or assessments that are essential to a degree, program, or course. For purposes of employment, essential requirements are the essential functions of a position with or without reasonable accommodation.

**3.5 Fundamental alteration:** Occurs when a proposed or recommended accommodation invalidates, negates, or impedes an essential requirement.

**3.6 Interactive process:** An informal back-and-forth dialogue through which a qualified individual with a disability and the University better understand the precise limitations created by the disability and which reasonable accommodations may enable a student or employee to perform essential requirements and otherwise access the programs, activities, and facilities available to other qualified students and employees.

**3.7 Reasonable accommodation:** Adjustments and/or auxiliary aids, which facilitate access to student- and employment-related activities and programs, including the provision of accessible and usable facilities for persons with disabilities; acquisition or modification of equipment or devices; appropriate adjustment of examinations or course materials; or provision of qualified readers or interpreters for persons with disabilities. A reasonable accommodation may include but is not limited to: (1) making existing facilities used by employees, students, and visitors readily accessible to and usable by individuals with disabilities; (2) job restructuring, part-time or modified work schedules, or reassignment to a vacant position; (3) acquisition or modification of equipment or devices; (4) appropriate adjustment or modifications of examinations, training



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materials, or policies; (5) the provision of qualified readers or interpreters; and/or other similar accommodations for individuals with disabilities.

**3.8 Retaliation:** For the purposes of this policy, intimidation, threats of reprisal, harassment, or other materially adverse actions, or threats of such materially adverse actions, made by or against persons employed by, attending, or affiliated with the University in any way or participating in any university program or activity, against anyone who in good faith requests reasonable accommodation or otherwise asserts rights protected by Section 504, the ADA, or other applicable law. Any action designed to prevent or discourage someone from asserting such rights may also be retaliation.

### 4.0 POLICY

#### 4.1 Scope of Policy

**4.1.1** This policy applies to disability accommodations for all persons (including trustees, administrators, faculty, staff, students, independent contractors, volunteers, and guests or visitors to a university campus or any property owned or leased by the University) who wish to access or participate in any university service, program, activity, facility, or communication.

#### 4.2 Policy Statement

**4.2.1** Utah Valley University is committed to complying with the *Americans with Disabilities Act of 1990*, *Amended Americans with Disabilities Act of 2008 (ADA)*, Section 504 of the *Rehabilitation Act of 1973 (Section 504)*, *Utah's Rights and Privileges of a Person with A Disability Act (Rights and Privileges Act)*, and other applicable federal and state laws protecting qualified individuals with known disabilities. With the goal of providing equal access to educational and employment opportunities, Utah Valley University will reasonably accommodate qualified individuals with known disabilities unless doing so would fundamentally alter an essential requirement, create a direct threat, or impose an undue hardship on the University.

**4.2.2** To be eligible for an accommodation, a student, employee, or visitor must have a qualifying disability as defined by the *ADA* or Section 504, voluntarily disclose their disability to the ADA Coordinator, seek an accommodation, and otherwise comply with the procedures set forth in this policy. Through its designated ADA Coordinator, the University will engage in an interactive process with the individual requesting the accommodation to respond to the request.

**4.2.3** Instructors and employee supervisors shall maintain confidentiality and shall not discuss any accommodation- or disability-related information with anyone other than their supervisors, the Office of Accessibility Services (OAS), the Accommodations Coordinator in Human Resources, and the requesting student or employee. Communications with a student or employee regarding their disability shall be handled discreetly and privately.



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**4.2.4** Utah Valley University prohibits retaliation against any student, employee, or visitor who makes a good faith effort to exercise their right to reasonable accommodations or other rights under the *ADA* or Section 504.

**4.2.5** Staff, students, and faculty who violate this policy are subject to corrective or disciplinary action pursuant to UVU Policy 165 *Discrimination, Harassment, and Affirmative Action*, UVU Policy 371 *Corrective Actions and Termination for Staff Employees*, UVU Policy 541 *Student Code of Conduct*, or UVU Policy 648 *Faculty Personnel Reduction*, as appropriate.

### 5.0 PROCEDURES

#### 5.1 Accommodation Requests

**5.1.1** Students who wish to request an accommodation related to educational activities and services must voluntarily disclose their disability to the UVU Office of Accessibility Services (OAS) and provide adequate documentation as described in section 5.1.5.

**5.1.2** Employees who wish to request an accommodation that will assist them in performing the essential functions of their jobs, and job applicants who wish to request accommodations that will assist them in completing applications must contact the Employee Accommodations Coordinator in Human Resources (HR). Employees and job applicants must voluntarily disclose their disability and provide adequate documentation as described in section 5.1.5.

**5.1.3** Employee supervisors, administrators, or faculty who receive disability accommodation requests from university employees must promptly report such requests to the Employee Accommodations Coordinator in HR. Given the need to address the request lawfully and to keep medical documentation confidential, supervisors shall not review or inquire into an employee's disability documentation and must not grant or deny requests for accommodation. Instead, supervisors shall submit the request to HR and allow the Employee Accommodations Coordinator to respond to the request.

**5.1.4** Visitors who wish to request an accommodation related to accessing UVU services, programs, activities, facilities, or communications shall contact OAS.

**5.1.5** All accommodation requests must include, at minimum, documentation of the following items by a qualified, licensed professional acting within the scope of their professional specialty:

**5.1.5.1** Specific physical diagnosis as defined by the most current edition of the *International Classification of Diseases (ICD)* or psychological diagnosis as defined by the most current edition of the *Diagnostic and Statistical Manual of Mental Disorders (DSM)*,

**5.1.5.2** History of symptoms,



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**5.1.5.3** Comprehensive documentation to support the diagnosis, including psycho-educational assessment if applicable,

**5.1.5.4** Functional limitations the diagnosed condition creates relevant to the educational and/or employment setting,

**5.1.5.5** Currently prescribed medications and the side effects or impact in the educational and/or employment setting, and

**5.1.5.6** How the functional limitation relates to the request for accommodation.

**5.1.6** Documentation must be current according to the standard expiration timeframes of the specific disability. Individuals requesting an accommodation who submit outdated documentation may be required to provide updated documentation. The following are the standard expiration timeframes for disability documentation:

Type of Disability	Documentation Expiration Timeframe
Visible, permanent disabilities	Documentation not required
Non-visible, permanent disabilities	10 years
Psychiatric and psychological disabilities	5 years
Learning disabilities	7 years
All other disabilities	5 years

**5.1.7** Those seeking accommodations should submit their requests no later than eight weeks before the semester for students or within two weeks of employment, or return to employment following a leave, for employees, or within two weeks of their visit to campus for visitors. Requests submitted later than these timeframes will be evaluated as quickly as possible. Late requests may result in delayed services. Individuals requesting an accommodation may sign a *Release of Information* authorizing the ADA Coordinator to inquire about the diagnosed disability and any elements of documentation that are unclear. Failing to sign and provide a *Release of Information* may delay accommodations and/or result in denial of accommodations.



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### **5.2 Review of Requests and Authorization**

**5.2.1** OAS reviews student and visitor accommodation requests. The Employee Accommodations Coordinator reviews employee accommodation requests. The University, through these designated ADA Coordinators, engages in an interactive process with the individual requesting the accommodation to address the request as needed. All requests are considered on a case-by-case basis. Accommodative needs may change over time or require adaptation due to changes in technology or the employment or learning environments. Prior history of accommodation, therefore, does not automatically warrant continuation of the same or similar accommodation.

**5.2.2** As part of the review and interactive process, the ADA Coordinator will review the submitted documentation and determine whether additional documentation or information is needed from the individual requesting the accommodation. As needed, the ADA Coordinator will provide the individual requesting the accommodation the opportunity to modify the request or submit additional documentation.

**5.2.3** The review considers the individual needs of the requestor, the reasonableness of the accommodation, and recommendations from a qualified health care provider (included in the submitted documentation). The recommendations must be supported by evidence that clearly demonstrates a substantial limitation in the requestor's ability to access or perform in the relevant service, program, activity, facility, or communication.

**5.2.3.1** As part of the review process for employees, the Employee Accommodations Coordinator will consult with the appropriate supervisor(s) as needed for operational input on potential accommodations.

**5.2.3.2** As part of the review process for visitors, OAS shall determine what university units should be consulted.

**5.2.3.3** As part of the review process for students, OAS will consult with appropriate faculty as needed on potential academic adjustments.

**5.2.4** The ADA Coordinator may deny or modify requested accommodations if

**5.2.4.1** The documentation is deficient, outdated, or otherwise does not reasonably show a need for the requested accommodation;

**5.2.4.2** The accommodation would pose a direct threat to the health or safety others;

**5.2.4.3** The accommodation would create an undue financial or administrative hardship on the University;



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**5.2.4.4** The accommodation would cause a fundamental alteration to the relevant university service, credential, program, course, or activity (in the case of students); or would eliminate or alter an essential function of the job (in the case of employees); and/or

**5.2.4.5** The accommodation would disrupt UVU's educational programs or activities, including classroom instruction, or unduly disrupt others' ability to work or learn.

**5.2.5** In consultation with the relevant faculty or employee supervisor(s) and any others as needed to ensure a knowledgeable analysis, the ADA Coordinator will determine through reasoned deliberation whether the requested accommodation would cause a fundamental alteration of an essential requirement. This deliberation will include (1) identifying specific essential requirements; (2) identifying the unique qualities of the relevant course, program, or job in relation to its overall objectives; and (3) considering any reasonable alternatives to the essential requirements.

**5.2.6** The Employee Accommodations Coordinator will consult with the University's Office of General Counsel as needed to ensure compliance with this policy and shall always consult with the Office of General Counsel and the Utah Division of Risk Management before denying an accommodation request.

**5.2.7** The ADA Coordinator will notify the student, employee, or visitor of the outcome of the accommodation request through a written decision explaining the reasons for the ADA Coordinator's decision.

### **5.3 Implementing Accommodations**

**5.3.1** Once a student's accommodation request is approved, the student is responsible for (1) delivering the notice of accommodation to their instructors in a timely manner, and (2) meeting with an Accessibility Services counselor each semester to review accommodations and the appropriateness of their use in future courses.

**5.3.2** Once an employee's accommodation request is approved, the Employee Accommodation Coordinator will contact the employee's supervisor(s) to inform them of the accommodation(s) that must be provided. Employees are responsible for meeting with the Employee Accommodation Coordinator at least annually to review accommodations and the appropriateness of their use in the future.

**5.3.3** Supervisors and instructors shall implement the accommodation(s) as approved by the ADA Coordinator fully, without retaliation, and immediately upon notification. Supervisors and instructors shall contact the relevant ADA Coordinator with any questions or concerns.



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### 5.4 Syllabi

**5.4.1** All instructors must include standard language in their course syllabi that identifies how students can access accommodations because of a disability. The standard language is provided from the Office of the Provost and is published on the Office of Accessibility Services website.

### 5.5 Grievances

**5.5.1** Reasonable effort should be made to resolve disputes before entering into the grievance process. Within 30 days of receiving notice of a denied request, the requesting student, employee, or visitor may request further review by the Accommodation Review Committee (Committee), which shall be comprised of the Director of Accessibility Services, the Employee Accommodations Coordinator, and the Director of Employee Relations (or their designees).

**5.5.2** In consultation with the Office of General Counsel, the Committee shall review the ADA Coordinator’s written decision and all documentation provided to, or relied upon by, the ADA Coordinator in making that decision. At this time, the student, employee, or visitor may submit any new documentation and/or written explanation regarding information that became available only after the ADA Coordinator’s written decision.

**5.5.3** Within 30 days of receiving the request for review, the Committee shall provide its decision in writing to the student, employee, or visitor, and the relevant ADA Coordinator. This decision shall be final, with no additional internal grievances or appeals available under this or any other UVU policy.

**5.5.4** Instructors and employee supervisors may submit grievances to the Accommodation Review Committee, according to the same timeframes outlined in 5.5.1 above, to resolve any concerns or problems with the implementation of approved accommodations.

### 5.6 Disability Discrimination and Relation to Policy 165

**5.6.1** Grievances and processes related specifically to disability accommodations are subject to this policy. Employees, students, and visitors who believe they have otherwise been discriminated against based on their disability should contact the University’s Office of Equal Opportunity/Affirmative Action, pursuant to UVU Policy 165 *Discrimination, Harassment, and Affirmative Action*.

POLICY HISTORY		
March 14, 1994	Policy approved.	UVU Board of Trustees
June 18, 2019	Temporary Emergency policy approved.	UVU Board of Trustees
January 23, 2020	Regular policy approved.	UVU Board of Trustees