

**UNIVERSITY OF HOUSTON SYSTEM
ADMINISTRATIVE MEMORANDUM**

SECTION: General Administration

NUMBER: 01.D.09

AREA: Legal Affairs

SUBJECT: Student Academic Accommodations (Interim)

1. PURPOSE

- 1.1. The University of Houston System (“System”) and its universities take pride in their diverse populations and are committed to providing all students the opportunity to take full advantage of their programs and facilities. In keeping with this philosophy, System universities strive to eliminate academic barriers that may prevent qualified students with disabilities from obtaining an academic or professional degree. Reasonable accommodations (e.g. auxiliary aids and services or academic adjustments) are offered to provide students with disabilities an equal opportunity to participate in academic programs and to promote and facilitate the integration of students with disabilities into university academic life. System universities are committed to promoting and maintaining an accessible and inclusive learning environment for students with disabilities where they have the opportunity to perform at their highest academic potential.
- 1.2. The universities within the System provide equal educational opportunities for students with disabilities in accordance with state and federal laws and regulations, including the Americans with Disabilities Act of 1990 (“ADA”), the ADA Amendments Act of 2008 (“ADAAA”), and Section 504 of the Rehabilitation Act of 1973 (“Section 504”). Each university in the System has a Student Disability Services Office to provide resources and assist qualified students with disabilities in securing appropriate academic accommodations.
- 1.3. Students with disabilities should initiate requests for accommodation; however, the accountability and responsibility of accommodations is shared among faculty, students, administrators, and staff. Reasonable accommodations for students with disabilities are designed to provide equal access in a manner that does not compromise essential elements of academic programs.
- 1.4. The System has developed this Student Academic Accommodations Policy (“Policy”) to set forth eligibility requirements, the process for students with disabilities to request and receive academic accommodations, and the processes for students and faculty to appeal accommodations decisions.

2. DEFINITIONS

- 2.1. Student with a Disability – A student who: 1) has a physical or mental impairment which substantially limits one or more major life activities; 2) has a “record of” such an impairment; or 3) is regarded as having such an impairment.
- 2.2. Major Life Activity – Functions which include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, and communicating, or the operation of a major bodily function (including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions).
- 2.3. Reasonable Academic Accommodations – reasonable academic accommodations may include not only disability-related accommodations, but also disability-related adjustments, services, and/or auxiliary aids that give a student with a disability an equal opportunity to engage in and benefit from the educational process.

Reasonable Academic Accommodations may include:

- Changes to a classroom environment or task that permit a student with a disability to participate in the educational process;
- Modifications to policies, practices, or procedures (e.g., reduced course load, extended time to degree, etc.);
- Provision of accessible instructional materials and effective communication services; and
- Other adaptations or modifications that enable a student to enjoy the benefits and privileges of the university’s programs, services, and activities.

The university is not required to provide retroactive academic accommodations.

- 2.4. Undue Burden/Hardship – Any academic accommodation, adjustment/auxiliary aid, or service that would result in a significant financial or administrative burden or expense constitutes an undue burden/hardship and is not considered a reasonable academic accommodation. Factors to consider in determining whether there is an undue burden/hardship include: 1) the overall size of the program or activity with respect to the number of employees, number and type of facilities, and size of budget; 2) the type of operation, including the composition and structure of the workforce; and 3) the nature and cost of the accommodation needed.

- 2.5. Fundamental Alteration – Any academic accommodation, adjustment/auxiliary aid, or service that would fundamentally affect or change the nature of a program or course being taught or that fundamentally alters the essential requirements of instruction or course requirements is not considered a reasonable academic accommodation. The university is not required to alter or modify a course or program to the extent that it changes the fundamental nature of that course or program.
- 2.6. Substantial Limitation – An impairment or restriction whereby a student cannot perform one or more major life activities, or is hindered as to the condition, manner, or duration under which a student can perform one or more major life activities as compared to the average student in the general performance of the affected activity.
- 2.7. ADA/504 Coordinator – The person who is designated to coordinate efforts to comply with and implement this Policy pursuant to the ADA, ADAAA, and Section 504. The ADA/504 Coordinator is available to discuss options, provide support, explain University policies and procedures and provide education on relevant issues. The ADA/504 Coordinator may designate one or more Assistant ADA/504 Coordinators. To find the ADA/504 Coordinator for each university, please visit: <http://www.uh.edu/legal-affairs/equal-opportunity/ADA-504/>.
- 2.8. Student Disability Services Office – An office established at each university that assists in providing accommodations and support services to students with a disability.
- 2.9. Student Disability Services Director/Manager – The person who is the designee of each University’s Student Disability Services Office to manage the reasonable accommodation process, including to determine a student’s eligibility for reasonable accommodations and the reasonable accommodations appropriate for the student.
- 2.10. System Accommodations Response Team – A committee made up of the System’s Disability Services personnel who may provide consultation to a Student Disability Services Director/Manager or their designee, including concerning requests for reconsideration of reasonable accommodations decisions. The System Accommodations Response Team (SART) will meet periodically to discuss issues and trends impacting each university and the System.

3. CONFIDENTIALITY

- 3.1. Records and/or information provided by or on behalf of students in the accommodation request process that reflect diagnoses, evaluation or treatment of a student’s medical or mental health condition are confidential student records and shall be maintained by the university’s Student Disability Services Office. Such records or information shall only be disclosed in accordance with university

policy, federal and state law, and, generally, only to those System or University officials who the university's Student Disability Services Office and/or the System's General Counsel or their designee determines have an "educational need to know" such information and/or the content of such records.

4. ACCOMMODATIONS REQUESTS

4.1. Step One: Completing the Academic Accommodation Registration Process

4.1.1. A student with a disability who wants to request Reasonable Academic Accommodations must first contact their university's Student Disability Services Office and complete the application process, including providing any required documentation. Required documentation may include the most current and/or relevant documentation of their disability from an appropriately licensed professional that clearly identifies the nature of the disability and how the disability affects a major life activity. The student is responsible for any costs necessary to provide the appropriate documentation from the licensed professional.

4.1.2. After they complete the application process, each student should attend an orientation meeting with Student Disability Services Office staff. Each student must participate in an interactive meeting with Student Disability Services Office staff to discuss their needs and the factors considered in determining appropriate academic accommodations.

4.2 Step Two: Determining Reasonable Academic Accommodations

4.2.1. The Student Disability Services Director/Manager or designee is charged with evaluating student accommodations requests and determining a student's eligibility for Reasonable Academic Accommodations and the Reasonable Academic Accommodations appropriate for the student. The Student Disability Services Director/Manager or designee may consult with the SART in making Reasonable Academic Accommodations determinations. The Student Disability Services Director or designee communicates Reasonable Academic Accommodations determinations to the students.

4.2.2. Students who agree with their Reasonable Academic Accommodations determinations must confirm in writing their agreement with the Reasonable Academic Accommodations determination.

4.2.3. Students who disagree with their Reasonable Academic Accommodations determinations may submit a request for reconsideration to the Student Disability Services Director/Manager.

- i. Students have five (5) business days to submit a request for reconsideration of the Reasonable Academic Accommodations

determination in writing to the Student Disability Services Director/Manager. The request should include a clear statement describing the reason(s) for seeking reconsideration.

- ii. After the request has been made, the Student Disability Services Director/Manager or designee will review the request for reconsideration and may consult with the SART.
- iii. The Student Disability Services Director/Manager or designee will notify the student in writing of the decision regarding their request for reconsideration of the Reasonable Academic Accommodations determination within five (5) business days from receiving the request for reconsideration.
- iv. The Student Disability Services Director/Manager or designee may consider provisional accommodations while the request for reconsideration is pending.

4.3 Step Three: Instructor Review and Implementation

- 4.3.1 Students' Reasonable Academic Accommodations determinations are presented to the applicable instructors. If the instructor believes that the Reasonable Academic Accommodations determination represents a fundamental alteration or undue hardship, the instructor must contact the University's Student Disability Services Office as described in Section 4.3.2 below. The instructor must provide the accommodations provided in the Reasonable Academic Accommodations determination in the interim.
- 4.3.2 Instructors who have questions or concerns about a Reasonable Academic Accommodations determination and/or believe that the Reasonable Academic Accommodations determination would result in a fundamental alteration or undue hardship must request a consultation with a University's Student Disability Services Director/Manager or their designee. The consultation can be requested to discuss their concerns, engage in an interactive process to further understanding and collaboration with the student in providing the approved Reasonable Academic Accommodations and/or to discuss whether alternative accommodations are appropriate. Instructors who continue to have concerns with a Reasonable Academic Accommodations determination and/or believe that the Reasonable Academic Accommodations determination would result in a fundamental alteration or undue hardship after consulting with the Student Disability Services Director/Manager may submit a formal request for reconsideration to the Student Disability Services Director/Manager.

- i. Instructors have five (5) business days to submit a request for reconsideration of the Reasonable Academic Accommodations determination in writing to the Student Disability Services Director/Manager. The request should include a clear statement describing the reason(s) for seeking reconsideration and any alternative accommodations that could be appropriate.

After the request has been made, the Student Disability Services Director/Manager or designee will review the request for reconsideration and may consult with the SART.

- ii. The Student Disability Services Director/Manager or designee will notify the instructor in writing of the decision regarding their request for reconsideration of the Reasonable Academic Accommodations determination within five (5) business days from receiving the request for reconsideration. The Instructor must provide the accommodations in the Reasonable Academic Accommodations determination while the request for reconsideration is pending.
- iii. An instructor may not unilaterally deny an academic accommodation included in a Reasonable Academic Accommodations determination that has been presented to them.
- iv. The instructor must provide the academic accommodations in the Reasonable Academic Accommodations determination in the interim until the reconsideration and appeal processes are exhausted in accordance with this Policy.

4.4 Returning Students

Continuing students (students that have had accommodations in subsequent semesters) are responsible for requesting their Reasonable Academic Accommodations letter with their university's Student Disability Services Office each semester.

5. APPEAL PROCESS

- 5.1. If the student or instructor does not agree with the Student Disability Services Director/Manager's decision regarding their request for reconsideration of the Reasonable Academic Accommodations determination, they may file a written appeal with the University's ADA/504 Coordinator. The appeal must be made in writing to the ADA/504 Coordinator within five (5) business days from the notification of the Student Disability Services Director/Manager's decision. A written appeal should include the following information:

- Clear statement describing the request or concern;
 - The reason(s) for the appeal;
 - The date of the decision that is being appealed; and
 - Statement of the expectation of specific outcome.
- 5.2. In order to file an appeal with the University's ADA/504 Coordinator, the instructor must first obtain signed approval from their supervisor (e.g., the instructor's department chair, dean, or their designee). The supervisor must consult with the Student Disability Services Director/Manager or their designee, prior to approving an appeal to the University's ADA/504 Coordinator. If no appeal is submitted, the Student Disability Services Director/Manager's Reasonable Academic Accommodations determination will be deemed final and the Reasonable Academic Accommodations will be provided by the instructor.
- 5.3. Approved appeals to the ADA/504 Coordinator will be communicated in writing by the instructor to the ADA/504 Coordinator. In consultation with the relevant parties, the ADA/504 Coordinator will make a recommendation as to appropriate Reasonable Academic Accommodations within ten (10) business days.
- 5.4. If the student or instructor is not satisfied with the ADA/504 Coordinator's recommendation, they can appeal to the appropriate academic administrator. The appeal must be made in writing to the appropriate academic administrator within five (5) business days from the notification of the ADA/504 Coordinator's recommendation. The Reasonable Academic Accommodations recommended by the ADA/504 Coordinator will be provided while the appeal is under review. The appropriate academic administrator or their designee will provide a written decision regarding Reasonable Academic Accommodations to the student and/or instructor. The decision of the appropriate academic administrator or their designee is final.

6 INSTRUCTOR RESPONSIBILITIES

- 6.1. Any individual who teaches a course at any university or teaching center within the System, has an obligation to be aware of the System and university policies and procedures regarding Reasonable Academic Accommodations for students with disabilities.
- 6.2. An instructor may contact their university's Student Disability Services Office Director/Manager or their designee with questions or concerns. It is the responsibility of each Department Chair to ensure that all instructors, i.e. faculty, teaching assistants, lecturers, and others involved with instructional responsibilities, know and understand their obligations with regard to this Policy. Failure to follow the procedures of this Policy and provide Reasonable Academic Accommodations may be considered a violation of this Policy and the System Anti-Discrimination Policy and may result in disciplinary action.

