



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

**OP 10.08: Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Section 504)**

**DATE:** December 15, 2014

**PURPOSE:** The purpose of this Operating Policy/Procedure (OP) is to ensure understanding of the university's responsibilities under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Section 504).

**REVIEW:** This OP will be reviewed in November of even-numbered years by the senior vice provost, the associate vice provost for student affairs, and the campus ADA coordinator, who is the managing director of Student Disability Services, with substantive revisions forwarded to the provost and senior vice president.

**POLICY/PROCEDURE**

**1. Policy**

- a. The Americans with Disabilities Act (ADA) of 1990 (PL 101-336) mandates equal opportunities for persons with disabilities in all public facilities, programs, activities, services, and benefits derived from them. Section 504 of the Rehabilitation Act of 1973 (PL 93-112), as amended, and PL 93-516 mandate equal opportunity for qualified persons with disabilities in all programs, activities, and services of recipients of federal financial assistance. Both ADA and Section 504 are civil rights statutes that prohibit discrimination on the basis of disability, obligate colleges and universities to make certain adjustments and accommodations, and offer to persons with disabilities the opportunity to participate fully in all institutional programs and activities. Texas Tech University adheres to these regulations and the Texas Commission on Human Rights Act.

In addition, on September 23, 1996, the U.S. Department of Justice issued certification that the Texas Accessibility Standards, the Texas Architectural Barriers Act, and the Architectural Barriers Administrative Rules meet or exceed the new construction and alterations requirements of Title III of the Americans with Disabilities Act. Texas Tech University is compliant with these regulations.

- b. Texas Tech University provides that all educational and other programs and activities are available to persons with disabilities in the most integrated setting appropriate. Students, employees, applicants, and other individuals with disabilities served by Texas Tech are not segregated, separated, or treated differently on the basis of a disability. Texas Tech University will make reasonable accommodation for the known physical or mental impairment of qualified individuals with disabilities. Reasonable accommodation includes modification or adjustment of a job process that will enable a qualified individual with a disability to perform the essential functions of his or her job.

- c. Texas Tech University does not require persons with disabilities to take advantage of all adjustments, accommodations, or special services that might be available to persons with similar disabilities.
- d. Any qualified individual with a disability may request a reasonable accommodation if her/his disability limits one or more life activities, has a record of such impairment, or is regarded as having such impairment. A qualified individual with a disability can perform the essential functions of the position with or without reasonable accommodation.

## 2. Procedures

- a. Communications and printed materials for students, employees, and program participants, as well as prospective students, employees, and participants, are accessible to persons who require Braille, large print, taped formats, sign language interpreters, or by Telecommunications Device for the Deaf (TDD). Those requiring such accommodation are requested to notify the appropriate program sponsor within 72 hours of the need for such accommodation so that there will be time to provide accessible materials. Classroom accommodation may take three to five working days' notice.
- b. The president of Texas Tech University or designee will be responsible for overseeing the reasonable workplace accommodation policy and procedures to ensure compliance. The campus ADA and Section 504 coordinator is the managing director of Student Disability Services, located in West Hall, Room 335, (806) 742-2405. The ADA and Section 504 coordinator will take complaints and concerns regarding compliance issues and direct them to the appropriate entity for attention. Persons who wish to file a grievance based on the results of their complaint investigation and findings may do so by contacting the appropriate designee as outlined in section 4 of this operating policy.
- c. Any employee requiring an accommodation shall notify her/his supervisor and inform the supervisor of the nature of the disability. The employee shall provide a medical statement that contains a diagnosis, prognosis, and an evaluation explaining the impact the impairment will have on the employee's ability to perform the essential functions of the employee's position. The statement should also identify the major life activity that is substantially limited as a result of the disability.
- d. If the employee is a faculty member, copies of this documentation should be provided to the ADA compliance officer for faculty, the senior vice provost, in the Administration Building, Room 104, (806) 742-2184. In the case of an accommodation for a member of the staff, documentation should be provided to the Office of the Managing Director of Human Resources, Doak Conference Center, Room 166, (806) 742-3851. In the case of a request for accommodation from a student, copies of the documentation should be provided to the managing director of Student Disability Services in West Hall, Room 335, (806) 742-2405. Students should also refer to OP 34.22 for guidelines on establishing reasonable accommodation.
- e. Based on the information provided, the university designee assigned to the relevant group, along with the immediate supervisor, will establish procedures for providing reasonable accommodation. In the case of a student, Student Disability Services will consult with all parties to assure that reasonable accommodation is accomplished.

- f. If accommodation would constitute an undue hardship for the university in the form of costs involved, impact on operations and business, or risk to the safety of the requestor or others, the university designee and the immediate supervisor, or staff of Student Disability Services in the case of a student, shall prepare documentation stating the reasons for such a decision.
- g. Texas Tech University will maintain the confidentiality of all medical and ADA information concerning employees and students. These records will be kept separate from personnel files and will be accessible only to authorized personnel.

### 3. Notices

#### a. Faculty

- (1) Faculty members are required to insert the following into each course syllabus:

Any student who, because of a disability, may require special arrangements in order to meet the course requirements should contact the instructor as possible to make necessary arrangements. Students must present appropriate verification from Student Disability Services during the instructor's office hours. Please note that instructors are not allowed to provide classroom accommodation to a student until appropriate verification from Student Disability Services has been provided. For additional information, please contact Student Disability Services office in 335 West Hall or call 806-742-2405.

- (2) Faculty members are required to announce the following within the first two class periods:

"I would appreciate hearing from anyone who has a disability that may require special accommodation. I am sure we can work out whatever arrangements are necessary. Please make an appointment with me during my office hours."

#### b. General Public

- (1) The following statement should be included in materials developed and available through the university:

Texas Tech University provides for program accessibility for members of the public. Those requiring accessible materials in Braille, large print, tape format, use of a sign language interpreter, or Telecommunications Device for the Deaf are requested to notify the university at least 72 hours before the need for such services in order that time will be adequate for their preparation.

- (2) Such notice should be inserted in university-related programs open to the public.

### 4. Grievance

- a. ADA provides for private right of action for injunctive relief, attorney fees, and compensatory damages against both individuals and institutions. At least one person is required to be designated to receive ADA and/or Section 504 grievances and to coordinate an institution's effort under ADA and Section 504. At Texas Tech University, they are as follows:

- (1) Employee and Public Concerns – Senior Vice Provost, Administration Building, Room 104, (806) 742-2184.
  - (2) Student Concerns –Associate Vice Provost for Student Affairs, Student Union Building, Room 201AA, (806) 742-2984.
- b. Texas Tech University fully complies with ADA and Section 504 guidelines on employment of people with disabilities. Skills or aptitudes necessary to perform the job are clearly stated and available to applicants.