



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

**OP 34.22: Establishing Reasonable Accommodation for Students with Disabilities**

**DATE:** November 12, 2014

**PURPOSE:** The purpose of this Operating Policy/Procedure (OP) is to outline the procedures for establishing reasonable accommodation for students with disabilities.

**REVIEW:** This OP will be reviewed in August of even-numbered years by the ADA compliance officer for students with substantive revisions forwarded to the vice provost for undergraduate education & student affairs and the senior vice provost.

**POLICY/PROCEDURE**

**1. Background**

The Americans with Disabilities Act (ADA) of 1990 (PL101-336) 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 (PL93-112), as amended, mandates 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 accordance with federal regulations, the designated ADA/Section 504 coordinator for faculty and students will be the managing director of Student Disability Services. All concerns or complaints regarding compliance issues will be directed to the ADA/Section 504 coordinator who, in turn, will forward the issue on to the appropriate personnel. Issues regarding faculty compliance will be reviewed by the ADA/Section 504 coordinator and then forwarded to the ADA compliance officer for faculty, which is the senior vice provost. Issues regarding student compliance will be reviewed by the ADA/Section 504 coordinator and then forwarded to the ADA/Section 504 compliance officer for students, which is the associate vice provost for student affairs .. All issues regarding facilities equipment and classroom accessibility will be reviewed by the ADA/Section 504 coordinator and then forwarded to the office of Academic Support and Facilities Resources.

**2. Faculty Notice**

a. 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 accommodations. I am sure we can work out whatever arrangements are necessary. Please see me during my office hours."

- b. 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 soon as possible to make any necessary arrangements. Students should present appropriate verification from Student Disability Services during the instructor's office hours. Please note: instructors are not allowed to provide classroom accommodations to a student until appropriate verification from Student Disability Services has been provided. For additional information, please contact Student Disability Services in West Hall or call 806-742-2405.

**3. Eligibility and Procedures for Establishing Reasonable Accommodation**

- a. A student must register with Student Disability Services and file appropriate documentation in order to be eligible for any disability benefits and services described in this operating policy.
- b. The university-approved mechanism for establishing reasonable accommodation is written notification in the form of a Letter of Accommodation from Student Disability Services. The Letter of Accommodation indicates to faculty that the student has given proof of her/his disability and that the accommodation noted is considered appropriate and reasonable. No further proof of disability should be required of the student. Students presenting other kinds of verification should be referred to Student Disability Services for the appropriate identification. No requirement exists that accommodation be made prior to completion of the approved university process.
- c. Faculty members are not permitted to provide accommodations for a student's disability needs unless the student provides a *Letter of Accommodation* from Student Disability Services. Ideally, *Letters of Accommodation* should be presented to instructors at the beginning of the semester; however, *Letters of Accommodation* may be submitted at any point during a semester. If a *Letter of Accommodation* is presented after a semester begins, the accommodation applies only from the date presented to and signed by the faculty member until the completion of the semester. One week is considered a reasonable amount of time to allow the faculty member to implement the accommodation.

**4. Procedures for Course Substitution in All Academic Areas**

- a. The student must first register with Student Disability Services and be eligible for services based on the documentation submitted.
- b. Course substitutions will be considered on an individual basis using the following criteria:
- (1) The documentation supports the student's request; and
  - (2) The course for which the substitution is being requested is not an essential element for the degree requirements of the program in which the student is enrolled.
- c. Once Student Disability Services determines that the documentation submitted does support a course substitution request, Student Disability Services will write a letter of recommendation for such request to the associate academic dean of the college in which the student is enrolled or her/his designee.

- d. If the course substitution request is granted, the dean or her/his designee and the student will meet to discuss options for course substitution. The nature of the substitution will be determined by the dean or her/his designee.
5. If the student's college grants a course substitution in mathematics, the student must present a copy of the letter from the dean **and** a copy of the *Letter of Accommodation* from Student Disability Services to the Texas Success Initiative (TSI) office. If the student is currently enrolled in Mathematics 0301 or Mathematics 0302, the student will be placed in TSI 0079 for the remainder of the semester with a TSI hold placed on her/his record. The student will be advised into the proper developmental mathematics sequence by the TSI Skills Development Office. Students will advance through the sequence by making a grade of C or better in each course. Student progress toward completing the mathematics developmental sequence may be evaluated at any point by a committee that may include, but is not limited to, the student's instructor, the director or designee from Student Disability Services, the TSI coordinator, and a representative of the Office of the Provost to determine TSI mathematics completion.

#### 6. **Course Load Reduction for Full-time Status Designation**

- a. The student must first register with Student Disability Services and be eligible for services based on the documentation submitted.
- b. The student must provide documentation for the disability from a licensed professional, and the assessment report must indicate a recommendation of a reduced course load. This document will authorize the course load reduction. If the report does not contain a specific recommendation for the reduced course load, then a letter of support from the licensed professional who conducted the assessment must be submitted that specifically recommends a reduced course load.
- c. The Office of Student Disability Services will then write a letter of recommendation for the student to the dean of the college in which the student is enrolled or her/his designee and provide a copy to the Office of the Registrar and Student Financial Aid.
- d. Students who drop below 12 hours will not be eligible for most federal financial aid, but may be eligible for state and local assistance.

#### 7. **Service Animals and Assistance Animals**

- a. **Service Animals**
  - (1) Individuals with disabilities may be accompanied by their service animals in all Texas Tech University buildings where members of the public or participants in services, programs, or activities are allowed to go. By law, a service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals. In some cases, the university may permit miniature horses on campus on a case-by-case basis, consistent with applicable law.
  - (2) The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of such tasks include, but are not limited to, assisting

an individual with low vision with navigation; alerting individuals who are hard of hearing to the presence of people or objects; pulling a person's wheelchair; or providing assistance with stability or balance to an individual with a mobility disability.

- (3) If an individual's need for a service animal and the qualifications of the animal are not obvious, the individual may be asked (a) whether the animal is required because of a disability; and (b) what work or task(s) the animal has been trained to perform.
- (4) Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the university's grounds and facilities where members of the public, participants in services, programs or activities, or invitees are allowed to go.
- (5) A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether unless the handler is unable, because of a disability, to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks. In either of those cases, the service animal must be under the handler's control by voice control, signals, or other effective means.
- (6) If a service animal is properly excluded under the foregoing provision, the individual with a disability shall be given the opportunity to participate in the service, program, or activity without having the service animal on the premises.
- (7) The university is not responsible for the care or supervision of a service animal. If a person with a disability remains on the premises after his or her service animal is properly excluded, it is that person's responsibility to arrange for the animal's care and supervision.

b. Assistance Animals in University Housing

- (1) Federal law allows individuals with disabilities the presence of a broader range of animals ("assistance animals") in university housing as compared with the campus as a whole. By law, an assistance animal means any service animal, as defined above, as well as an animal needed for emotional support. An individual may keep an assistance animal as an accommodation in university housing if:
  - (a) The individual has a disability;
  - (b) The animal is necessary to afford the individual an equal opportunity to use and enjoy a dwelling; and
  - (c) There is an identifiable relationship between the disability and the assistance the animal provides. Assistance animals are NOT allowed in any other university buildings.
- (2) Exceptions

The university may exclude an assistance animal from university housing if the animal is not housebroken; would cause substantial physical damage to the property of others or university facilities; would pose a direct threat to the health or safety of others; would fundamentally alter the nature of a program or activity; or is not being cared for by the individual. Students will be liable for damage caused by assistance

animals in the same manner they are responsible for personal damages to university property.

(3) Responsibilities of Individuals with Assistance Animals

The university is not responsible for the care or supervision of an assistance animal. Individuals with disabilities are responsible for the control of their assistance animals at all times and for ensuring the immediate cleanup and proper disposal of all animal waste. Individuals must comply with all applicable laws and regulations, including vaccination, licensure, animal health and leash laws, as well as the university's rules in lease provisions regarding vaccination, licensure, leash control, cleanup rules, animal health, and community relationships.