



## TEXAS TECH UNIVERSITY™

### Operating Policy and Procedure

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

**DATE:** October 12, 2020

**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 Managing Director of Student Disability Services with substantive revisions forwarded to the Vice Provost for Student Affairs and the Senior Vice Provost and final approval by the Provost and Senior Vice President.

### **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](#).

#### **2. Faculty Notice**

- a. Faculty members are required to insert the following statement 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 Weeks 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. 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 associate academic dean of the college in which the student is enrolled or her/his designee.
- 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.

## **6. Service Animals, Service Animals in Training, 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, and 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.

c. Service Animals in Training

- (1) State of Texas Law allows for Service Animals in Training to be permitted in the same areas where Service Animals are permitted. Students will be permitted to have Service Animals in Training by completing the following:
  - (a) Complete the Student Disability Services Verification Form for Service Animals in Training. This form does not register the student with Student Disability Services for classroom accommodations, but if the student wants

to apply for services, he/she can do so. This SDS Verification Form, along with documentation certifying the student as an approved trainer (#2), will be kept on file in the Student Disability Services Office.

- (b) Provide Student Disability Services a Certification of Training document. An *approved trainer* recognized by Texas Tech University is an individual who has been certified by an organization whose primary mission is to train service animals for people with disabilities. *If the student is not an approved trainer, the student must provide proof an approved trainer will be with the student and the dog while in campus buildings.*
- (c) Meet with Student Disability Services Staff to obtain approval for bringing a Service Animal in Training into campus buildings. A *campus building* is any building on campus, including housing facilities. During this meeting, SDS Staff and student will:
  - Review published ADA language that allows for the person to train the dog themselves but *does not* recognize service animals in training as a protected accommodation.
  - Review State of Texas statute that does allow service animals in training to access the same areas as Service Animals **as long as** they are accompanied by an approved trainer.
  - Review TTU's policy on what constitutes a recognized approved trainer.
  - Review TTU policy that Service Animals in Training must be identified by a vest or tag indicating they are in training, and must comply with and abide by the same University policies and procedures that any Service Animal or Assistance Animal follows. This includes the [Student Code of Conduct](#).
- (d) Housing Requirements – If the student resides in TTU Student Housing, then the Verification Form will be sent to Housing as well.

## 7. Temporary Accommodations for Students

- a. The Student Disability Services (SDS) Office offers a wide variety of services to students with temporary documented disabilities. Services are extended to students with temporary disabilities only for the duration of the functional limitations associated with their disability. In consultation with an SDS counselor, students granted temporary status will be provided appropriate academic accommodations, depending on limitations due to the temporary disability. Students will be responsible for requesting the letters of accommodation outlining the approved accommodations, as well as speaking to their instructors to set up the needed accommodations.
- b. The eligibility process is the same for a temporary disability as for permanent disability cases. A student must apply for services online and provide the necessary documentation to support their temporary disability. After reviewing

the student's application and documentation, an SDS counselor will meet with the student to determine appropriate academic services and accommodations dependent on temporary limitations the student has in the academic setting.

- c. Although temporary disability cases are generally short-term mobility issues, Student Disability Services will also grant temporary accommodations to a student if the student has no documentation, or is working to obtain updated or relevant documentation. In this instance, a student will be granted accommodations only for the semester in which the testing is being completed and updated documentation must be submitted by the end of the semester for accommodations to become permanent.
- d. Students provided temporary accommodation will have their file/case reviewed at the end of each semester. The individual SDS counselor assigned to the student will conduct an initial evaluation by contacting the student to confirm temporary status, substantiate further need of services, or to seek appropriate documentation. Once the initial review is complete, the SDS staff will meet with the student and complete the intake process to establish reasonable accommodations.