TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

Operating Policy and Procedure

HSCEP OP: 77.14, **Accessibility and Establishing Accommodations for Students with Disabilities**

PURPOSE: The purpose of this Texas Tech University Health Sciences Center El Paso (TTUHSC El Paso) Operating Policy and Procedure (HSCEP OP) is to outline the procedures for establishing reasonable accommodations for students with disabilities.

REVIEW: This HSCEP OP will be reviewed by June 1 of every odd-numbered year (ONY) by the Office of General Counsel and the Assistant Vice President for Student Services and Student Engagement (AVP, SSSE) or designee, with recommendations for revision forwarded to the Vice President for Academic Affairs (VPAA) or designee by July 1.

POLICY/PROCEDURE:

I. Background

The Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. § 12101 *et seq.*, as amended) mandates equal opportunities for persons with disabilities in all public facilities, programs, activities, services and benefits derived from them. Title V, Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 *et seq.*), as amended, mandates equal opportunity for qualified persons with disabilities in all programs, activities, and services that are recipients of federal financial assistance. Both the ADA and Section 504 of the Rehabilitation Act are civil rights statutes that prohibit discrimination on the basis of disability and, if applicable, obligate colleges and universities to make certain adjustments and accommodations and offer persons with disabilities the opportunity to participate fully in all institutional programs and activities. TTUHSC El Paso adheres to these laws and regulations, as well as those of the Texas Commission on Human Rights Act.

II. Faculty Notice

Faculty members must insert the following statement into each course syllabus:

"TTUHSC El Paso is committed to providing equal access to learning opportunities to students with documented disabilities. To ensure access to this course and your program, please contact Accessibility Services to engage in a confidential conversation about the process for requesting accommodations in the classroom and clinical setting. Accommodations are not provided retroactively, so students are encouraged to register with Accessibility Services as soon as possible. Please note: faculty are not allowed to provide classroom accommodations to a student until appropriate verification from Accessibility Services has been provided to the school and disseminated to the appropriate faculty member(s). For additional information, please visit the Accessibility Services website: https://dev.ttuhscep.edu/student-services/accessibility/index.aspx.

III. Eligibility and Procedures for Establishing Reasonable Accommodations

A. A student must contact and register with Accessibility Services and file appropriate documentation in order to be eligible for any disability benefits and services described in this operating policy. All documentation must be submitted to Accessibility Services 30 days prior to an exam.

B. Documentation required to initiate review by Accessibility Services must be provided by trained and qualified professionals, evaluators, or institutions. Documentation shall be by either submission of a completed Provider Documentation Form, Attachment A or by a formal letter. Documentation guidelines are available from Accessibility Services. Common sources of documentation are health care providers, psychologists, and diagnosticians who are qualified in the diagnosis of the disability. Documentation may include assessments, reports, and/or letters. Copies of accommodations documentation approved from a previous school(s) such as accommodation agreements/letters can also be included as additional supporting information. Letters submitted for this purpose must be on letterhead with a date and signature, and must include the following details:

1. A diagnostic statement identifying the disability (including the date of diagnosis) and the severity of the disability (mild/moderate/severe).

2. An assessment of major life activities that are impacted by the disability (e.g., learning, concentration, class attendance, social interactions, reading, walking, etc.).

3. Any specific recommendations for accommodations.

Guidelines for documenting a disability are included in the Accessibility Resource Manual provided by Accessibility Services.

C. A list of service providers who conduct assessments, render diagnoses of learning disabilities and/or related disorders, and who make recommendations for accommodations is available from Accessibility Services. The Office of Student Services and Student Engagement (OSSSE) does not endorse any particular service provider.

Before selecting a qualified professional, the student should ask what his/her credentials are and what experience he/she has working with adults with disabilities. If the provider has not previously worked with Accessibility Services, the student may forward the documentation required for specific disabilities to facilitate an appropriate assessment (see Accessibility Services "Apply for Accommodations" webpage).

After the assessment has been completed, the student should request a written copy of the assessment report and make an appointment to discuss the results and recommendations with the professional who conducted the assessment. The student should take this opportunity to request additional resources, if needed, and always keep a personal file of all their records. A digital copy of the assessment report should be attached when submitting the online Accommodation Request Form to Accessibility Services in the OSSSE. Ten (10) business days shall be allowed for the processing of the application by Accessibility Services.

D. The university-approved mechanism for establishing reasonable accommodation(s) is notification in the form of a Letter of Accommodation (LOA) from Accessibility Services. The LOA indicates to the school that the student has provided documentation in support of a disability and that the accommodation(s) noted are considered appropriate and reasonable. The school-level contact shares information from Accessibility Services with the faculty members in a timely manner. No further proof of disability shall be required of the student in order for them to receive the approved accommodations. Students presenting other kinds of verification to faculty should be referred to Accessibility Services in the OSSSE. Faculty shall not provide accommodations prior to completion of an approved university process (see also section III.E below).

Each school dean or dean-designee shall provide Accessibility Services with accurate and up-to-date information related to their school-level contact annually or upon reassignment.

E. Faculty members should not provide accommodations for a student's disability until receipt of an LOA issued by Accessibility Services. Ideally, LOAs should be presented to faculty at the beginning of the semester; however, they may be presented at any time. If an LOA is presented after a semester begins, then the specified accommodations apply only from the date on the letter forward and is not retroactive. **The LOA becomes effective on the date it is received by the course director and is not retroactive.** In addition, for accommodations to be provided for an exam, an LOA must be received by the designated school contact and the relevant course director at least 10 days prior to that exam (see section IV. Student Rights and Responsibilities below). Otherwise, if the accommodation(s) are not implemented within seven days, then the student should immediately contact Accessibility Services, and Accessibility Services is to take prompt action to ensure program compliance.

F. Accessibility Services shall maintain confidential all medical and ADA information concerning students. These records will be securely kept separate from student educational records and accessible only to authorized personnel.

IV. Student Rights and Responsibilities

Each student receiving services through Accessibility Services has rights and responsibilities related to their accommodations.

RIGHTS:

It is the student's right to disclose the LOA to any and all faculty. The student may not need all accommodations for every class, but any professor that he/she needs an accommodation from **must** have a copy of the LOA.

It is the student's right not to use their LOA for any class during a semester. This does not affect their right to have accommodations resume for any subsequent semester.

It is the student's right to request adjustments to their LOA regarding the accommodations for which they are eligible. Additions to an LOA must be supported by appropriate documentation.

It is the student's right to have their disability kept confidential. Accessibility Services shall not share information regarding a student's disability with any faculty, staff, parent, or other entity, unless the student has given written permission to do so. In addition, the student is not required to disclose details of their disability to any faculty or staff outside of what is noted in the LOA.

It is the student's right to have their approved accommodations provided free of charge, as mandated in the ADA.

RESPONSIBILITIES:

It is the student's responsibility to meet the technical standards established for their proposed program of study, with or without reasonable accommodations.

It is the student's responsibility to self-disclose as an individual with a disability and provide supporting documentation when an academic adjustment, auxiliary aid, and/or other services are needed. A completed application and documentation for accommodations must be completed 30 days prior to an exam.

It is the student's responsibility to follow up with each course director during the first week of class, or within one week of receiving the accommodation letter, if it is during the semester, to review the LOA.

It is the student's responsibility to report problems with course directors or faculty who are not allowing accommodations to Accessibility Services. This must be done during the semester the problem is occurring and not after grades have been given for the course. If an accommodation is not implemented within one week, the student should immediately contact Accessibility Services.

It is the student's responsibility to notify Accessibility Services of any changes in their disability status or accommodation needs.

V. Temporary Accommodations

Students who have a short-term disabling condition, as due to injury or surgery, may apply for temporary accommodations for the duration of their functional limitations associated with their disability.

The eligibility process is the same as for permanent disability cases. Students must complete the online Accommodation Request Form, and submit the appropriate documentation with an anticipated end date. The Manager of Accessibility & Student Advocacy will determine appropriate accommodations.

Accessibility Services will send a Letter of Temporary Accommodations to the school-level point of contact who will inform the relevant faculty.

VI. Provisional Accommodations

Students applying for accommodations, but who have yet to complete the process under Section III above, may request provisional accommodations. Provisional accommodations are a conditional arrangement made on a temporary and case-by-case basis. Requesting provisional accommodations is not an alternative process for students with inadequate or no documentation to receive accommodations on a sustained or ongoing basis, nor is it an alternative for a student whose request for accommodations under Section III above has been denied.

A. A student may request provisional accommodations based on preliminary but insufficient documentation, or while awaiting related assessments by a qualified professional or determinations by Accessibility Services in relation to the process outlined under Section III above. Provisional accommodations are conditional arrangements made on a temporary and case-by-case basis and is not an official, approved accommodation.

B. Requirements for consideration of provisional accommodations include:

1. Documentation of a diagnosis and clinical status that substantiate a need for accommodations is provided, though it may be preliminary and insufficient for a final determination regarding reasonable accommodations.

2. In order to be given consideration for provisional accommodations related to an exam, the required documentation must be submitted at least 30 days prior to that exam.

3. The student must demonstrate that they are diligently pursuing the necessary documentation for establishing accommodations under Section III above. Students must complete the online Accommodation Request Form and submit the documentation to Accessibility Services.

C. Complete documentation per Section III. above must be received by the end of the semester in which the provisional accommodations are provided or the provisional accommodations will be withdrawn. If a student encounters challenges and believes they may be unable to meet this deadline, they should contact Accessibility Services immediately.

D. If a request for provisional accommodations is approved, Accessibility Services will send a conditional letter of accommodations to the school-level point of contact who will inform the relevant faculty.

VII. Appeal Process for Denial of Services or Accommodations

Students who wish to appeal a decision made by Accessibility Services must do so in writing by submitting an appeal form within 20 days after the receipt of the LOA or notification of denial of services, Appeals Form, Attachment B. Appeals are considered by the AVP, SSSE or as otherwise designated by the VPAA.

VIII. Waiver of Accommodations

Students may waive their eligibility for approved accommodations by contacting Accessibility Services and submitting an Accommodations Waiver Form, Attachment C.

IX. Right to Change Policy

TTUHSC El Paso reserves the right to interpret, change, modify, amend, or rescind this policy in whole or in part at any time without the consent of employees, faculty, or students.

Attachment A, Provider Documentation Form
Attachment B, Appeals Form
Attachment C, Accommodations Waiver Form