



Handbook Of Operating Procedures

ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES

A. Purpose

The purpose of this policy is to set out UTB/TSC's policy concerning accommodations for individuals with disabilities and provide for the prompt and equitable resolution of complaints alleging violations of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, including complaints regarding a refusal to provide requested accommodations and auxiliary aids or services and programs that are perceived to be inaccessible.

B. Policy

UTB/TSC is committed to providing services, equipment, and accommodations to individuals with documented disabilities in order to provide them with equal opportunities to participate in programs, services, and activities in compliance with Sections 503 and 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act (ADA) of 1990, as amended.

1. Confidentiality

All offices and individuals responsible for reviewing and analyzing a request under this Policy will maintain the confidentiality of all medical and ADA information. Records and information obtained on employees as part of an accommodation request will be kept in the Office of Human Resources in separate files and such records shall be shared with only those University employees who have a need to know in order to implement the accommodation request and shall not be released except as required by law.

2. Independent Medical Opinion

The University may, at University expense, request an independent medical opinion concerning the impairment for which an employee or student seeks an accommodation. The failure of an employee or student to cooperate in obtaining such an opinion will result in the cancellation of the request for accommodation.

3. Notices

- a. Faculty receiving a student inquiry regarding an accommodation for his/her class should inform the student that such requests must be directed to the Disability Services Office and that more information can be obtained by visiting the Disability Services Office in the Lightner Center or calling 956-882-7374.



Handbook Of Operating Procedures

b. General

Signs advertising an event must contain the contact information requesting special accommodations in accordance with the Americans with Disabilities Act.

C. Procedures

1. Accommodation - Applicants and Employees

- a. Applicants for employment can initiate a request for accommodation by contacting the Office of Human Resources, the department in which they will be interviewing, or the chair of the search committee. A chair of a department or of a search committee will immediately notify the Director of Human Resources or the ADA Officer so that the official processing of the request can begin.
- b. Any employee can initiate a request for accommodations by notifying, in writing, their immediate supervisor, the Director of Human Resources, or the ADA Officer, as soon as practical and inform him/her of the nature of the disability and the accommodation being requested. Individuals will be required to provide a medical statement which contains a diagnosis, prognosis, and a description of the specific impairment(s), the major life functions or activities affected by the impairment and the degree of limitation to those functions and activities caused by the impairment. Individuals may be asked to submit additional medical information if the information previously provided is incomplete, unclear, or inconsistent. If the individual does not provide the required documentation and information within 30 days, the request for accommodation will be cancelled for lack of necessary information.
- c. The Director of Human Resources or supervisor receiving a request shall immediately report the request to the ADA Officer.
- d. The Director of Human Resources or a designee, in consultation with the ADA Officer will analyze the request and confer with the employee and the supervisor to ascertain the employee's requirements and input on a reasonable accommodation.



Handbook Of Operating Procedures

- e. Determination of the approval or denial of the request for accommodation will be the joint responsibility of the Director of Human Resources and the Supervisor/Chair of the Department.
2. Accommodation - Visitors and Beneficiaries of Programs, Services, and Activities
 - a. Visitors and beneficiaries of programs, services, and activities can initiate a request for accommodation by contacting the department hosting the event, program, or activity. A designee of the event, service, or activity will immediately notify the ADA Officer so that the official processing of the request can begin.
 - b. Individuals may be required to provide a medical statement which contains a diagnosis, prognosis, and a description of the specific impairment(s), the major life functions or activities affected by the impairment. Individuals may be asked to submit additional medical information if the information previously provided is incomplete, unclear or inconsistent. If the individual does not provide the required documentation and information within a reasonable period of time prior to the event, service, or activity, the request for accommodation will be cancelled for lack of necessary information.
 - c. Determination of the approval or denial of the request for accommodation will be the responsibility of the ADA Coordinator in consultation with the event, service, or activity coordinator.
 3. Accommodation – Students
 - a. Students requesting eligibility for accommodation and services can initiate a request for an accommodation by contacting Disability Services. Individuals will be required to provide a medical statement which contains a diagnosis, prognosis, and a description of the specific impairment(s), the major life functions or activities affected by the impairment and the degree of limitation to those functions and activities caused by the impairment. Individuals may be asked to submit additional medical information if the information previously provided is incomplete, unclear or inconsistent. If the individual does not provide the required documentation and information within 30 days, the request for accommodation will be cancelled for lack of necessary information.



Handbook Of Operating Procedures

Disabilities Act and/or Section 504 of the Rehabilitation Act of 1973 shall file complaints in writing with the ADA Officer or his or her designee.

- i. The ADA Officer shall promptly notify the Dean of Students of any student complaint. The ADA Officer shall also notify the Dean of Students when any student complaint is resolved.
 - ii. The complaint shall be made as soon as possible after the action complained of occurs, which in most cases should not exceed 30 calendar days unless the complainant obtains approval from the ADA Officer.
 - iii. A complaint must contain the name, address and phone number of the person filing it, a brief description of the alleged violation, and any documents supporting the complaint.
- b. Investigation of a complaint. The ADA Officer or his or her designee shall investigate the complaint. This procedure will afford interested persons an opportunity to submit evidence relevant to the complaint.
- i. A written statement containing the determination and/or a suggested resolution shall be sent to the complainant within a reasonable time after receipt of the complaint.
 - ii. The ADA Officer shall maintain the files and records related to the complaint.
 - iii. The decision of the ADA Officer shall be final.
6. Failure to Proceed With or Process a Grievance

Failure of a complainant to process his or her grievance within the specified time limit shall constitute abandonment of the complaint, unless an extension has been approved.

E. Definitions

1. Individual with a disability. A person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.



Handbook Of Operating Procedures

2. **Qualified individual.** With respect to employment, a qualified individual is one who possesses the requisite skills, education, experience, knowledge, and other job requirements, and who can, with or without reasonable accommodations, perform the essential functions of the job the individual desires or holds. With respect to education services, a qualified individual is one who meets the academic and technical standards requisite to admission or participation in the relevant program or activity.
3. **Substantial limitation.** An impairment that prevents the performance of a major life activity that the average person in the general population can perform; or a significant restriction as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the average person in the general population.
4. **Reasonable accommodation.** A modification or adjustment to a process or the work or learning environment that enables a qualified person with a disability to be considered for a position, to perform the essential functions of a job or to enjoy the same benefits and privileges of employment or learning as are enjoyed by similarly situated individuals without disabilities.
5. **ADA Officer.** UTB/TSC's ADA Officer is the Assistant to the Provost/President for Legal Services.

F. **Review**

This policy will be reviewed no later than December 31 of each year by the Assistant to the Provost/President for Legal Services.