

STEPHEN F. AUSTIN
STATE UNIVERSITY

Office of the General Counsel

POLICY SUMMARY FORM

Policy Name: Academic Accomodation for Students with Disabilities

Policy Number: 6.1

Is this policy new, being reviewed/revised, or deleted? Review/Revise

Date of last revision, if applicable: 4/30/2022

Unit(s) Responsible for Policy Implementation: Provost and Executive Vice President for Academic Affairs and Chief Diversity Officer

Purpose of Policy (what does it do): This policy helps SFA comply with ADA in regards to fundamental principles of nondiscrimination and accomodations of academic programs.

Reason for the addition, revision, or deletion (check all that apply):

- ☒ Scheduled Review ☐ Change in law ☐ Response to audit finding
☐ Internal Review ☐ Other, please explain:

Please complete the appropriate section:

Specific rationale for new policy:

Specific rationale for each substantive revision: Minor updates for clarification.

Specific rationale for deletion of policy:

Additional Comments:

Reviewers:

Academic Affairs Policy Committee
Lorenzo Smith, Provost and Executive Vice President for Academic Affairs
Michara DeLaney-Fields, Chief Diversity Officer
Damon Derrick, General Counsel

Academic Accommodation for Students with Disabilities

Original Implementation: July 14, 1998

Last Revision: April 12, 2022

It is the policy of Stephen F. Austin State University to comply with the fundamental principles of nondiscrimination and accommodation in academic programs set forth in the implementing regulations for Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA), as amended by the Americans with Disabilities Act Amendments Act of 2008 (ADAAA).

The law provides that:

No qualified student with a disability will, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, research, occupational training, housing, health insurance, counseling, financial aid, physical education, athletics, recreation, transportation, other extracurricular, or other postsecondary education aid, benefits, or services. [34 C.F.R. § 104.43(a)]

and

An institution will make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of disability, against a qualified applicant or student with a disability. Academic requirements that the institution can demonstrate are essential to the instruction being pursued by such student or to any directly related licensing requirement will not be regarded as discriminatory. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted. [34 C.F.R. § 104.44(a)]

Neither Section 504 nor the ADA requires universities to lower their academic standards or substantially alter the essential elements of their courses or programs to accommodate students with disabilities. The requirement to provide reasonable accommodations is designed to afford an equal opportunity for students with disabilities. Achieving reasonable accommodations for a student with a disability involves shared responsibility among students, faculty and staff.

Should a student be denied a requested accommodation, the university must be prepared to show that complying with the request would constitute a fundamental alteration; the unsubstantiated opinion of a faculty member or administrator may not be sufficient for that purpose. Moreover, the cost of the proposed modification is not usually sufficient reason for denying a requested accommodation.

Who must be accommodated?

Students who are requesting support services from SFA are required to submit documentation through Disability Services to verify eligibility for reasonable accommodations. Students are not required to assume the responsibility for securing a necessary accommodation. The university will review and evaluate that documentation and, when required under law, provide reasonable accommodations for a student's known disability so that the student has an equal opportunity to participate in the courses, activities or programs.

When additional expertise beyond that of the staff of Disability Services is needed to assess a student's documentation, the Academic Assessment Committee, consisting of members of faculty and staff who are knowledgeable about disabilities, will evaluate the documentation, request additional information if required, and make a recommendation to Disability Services.

Documentation must validate the need for services based on the individual's current level of functioning in an educational setting. If the documentation is found to be insufficient, the university is not obliged to provide accommodations. If the documentation is found to be sufficient, appropriate accommodations are recommended.

What accommodations must be provided?

Students with disabilities may be accorded two types of accommodations: they may be permitted to substitute particular courses for some of those required under their degree requirements, or they may be afforded approved accommodations within the courses they take.

If a course substitution is requested, the request must be received by the academic department that teaches the course to be deleted from the student's requirements no later than the semester prior to one in which the student proposes to take one or more of the substitute courses. Ordinarily the request should arrive at the academic department before the official reporting day of the appropriate part of term.

Once received by the academic department, the course substitution request is considered by the academic unit head, who consults with Disability Services before making a recommendation. The academic unit head's recommendation regarding substitution is forwarded to the student's academic dean. Employing the college's usual procedures for decisions about curricula, and consulting with other colleges as necessary, the dean makes the final determination about whether the requested substitution may be allowed, or does, in fact, represent a fundamental modification of the program in question. Before a course substitution is considered there should be evidence that even with reasonable accommodation the student cannot succeed in the required course.

Requests for accommodation within a particular course should, when possible, be received by Disability Services before the beginning of the semester in which the student with a disability is to

enroll in the course. Once received, the accommodation request is considered by Disability Services and, if required, by the Academic Assessment Committee. If the decision is to recommend against providing the requested accommodation, the student is informed. If it is decided that accommodation is to be provided, a record of that recommendation, together with a recommendation of the general type of accommodation to be provided is sent to the instructor of the subject course. The instructor then meets with the student to work out precisely how the recommended accommodations are to be implemented in the context of the particular course and may consult with the academic unit head if needed. To make provision of appropriate accommodations as effective as possible, students with disabilities are to meet with instructors from whom accommodations are requested as early in the semester as possible.

The student, Disability Services, the Academic Assessment Committee, the academic unit head, and the course instructor will cooperate to identify accommodations that meet the student's documented need without fundamentally altering the course.

Who must provide approved accommodations in a particular course?

Accommodations most commonly requested may include providing services such as readers, interpreters, and note-takers; allowing extra time for examinations, assignments and projects; using alternate formats and individualized proctoring methods for examinations; recording lectures; using computer software for assistance in studying and on tests; and relocating classrooms as needed for accessibility. It is the responsibility of Disability Services to provide readers, interpreters, and note-takers when needed. The instructor will cooperate with Disability Services in accommodating these service providers in the classroom.

The instructor's responsibility is to organize examinations so students with disabilities may be accorded extra time and special testing conditions when needed as an accommodation. When possible, special testing will be done within the offices of the academic department. When testing cannot be done in the department, Disability Services will provide secure facilities and supervision. In the event that exams are administered solely online, students with disabilities will be granted the exam accommodations under the same online conditions allowed for other students enrolled in the course.

When special materials (e.g., Braille transcripts or audio recordings of course materials) are required, the joint responsibility of Disability Services and the instructor is to arrange to make these materials available to the student. Such materials must be made available to students with disabilities at the same time that their equivalents are given to other students.

The academic unit head's responsibility, in cooperation with the instructor and the dean, is to relocate courses when required.

Resolving Disagreements

Disagreements will be resolved according to the provisions of Policy 6.6, Appeal Procedure Relating to the Provision of Accommodations for Students with Disabilities.

Cross Reference: Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 29 U.S.C. § 794; Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 42 U.S.C. §§ 12101-12213 as amended by the Americans with Disabilities Act Amendments Act of 2008, Pub. L. No. 110- 325; 34 C.F.R. 104; Appeal Procedure Relating to the Provision of Accommodations for Students with Disabilities (6.6); Accessibility for Persons with Disabilities (2.2); Animals on University Property (13.2)

Responsible for Implementation: Provost and Executive Vice President for Academic Affairs, Chief Diversity Officer

Contact for Revision: Director of Disability Services

Forms: None

Board Committee Assignment: Academic and Student Affairs