

Appendix 1 - Charge from the SEC



University Senate CHARGE

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| Date: | March 23, 2016 |
| To: | Stacey Locke Chair, Equity, Diversity, and Inclusion (EDI) Committee |
| From: | Willie Brown Chair, University Senate  |
| Subject: | Review of Interim Disability & Accessibility Policy & Procedures |
| Senate Document #: | 15-16-29 |
| Deadline: | April 11, 2016 |

The Senate Executive Committee (SEC) requests that the Equity, Diversity, and Inclusion (EDI) Committee review the interim University of Maryland Disability & Accessibility Policy & Procedures and make recommendations on whether they are appropriate or on needed revisions.

Specifically, we ask that you:

1. Review the interim University of Maryland Disability & Accessibility Policy and Procedures ([VI-1.00\[D\]](#)).
2. Review similar policies and procedures for disability & accessibility at peer institutions and other Big 10 institutions.
3. Consult with the University's Office of General Counsel on any recommended policy language.
4. If appropriate, recommend whether the interim policy should be revised and submit recommended revisions to the interim policy for Senate consideration.

We ask that you submit your report and recommendations to the Senate Office no later than April 11, 2016. If you have any questions or need assistance, please contact Reka Montfort in the Senate Office at 301-405-5804 or reka@umd.edu.

Attachment



VI-1.00(D) UNIVERSITY OF MARYLAND DISABILITY & ACCESSIBILITY POLICY AND PROCEDURES

(Approved on an Interim Basis by the President October 1, 2015, amended March 23, 2016)

I. POLICY

The University of Maryland is committed to creating and maintaining an educational, working and living environment that is free from discrimination and harassment. The University of Maryland is committed to the principle that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs or activities of the University, or be subjected to discrimination. The University of Maryland provides reasonable accommodations to qualified individuals. Reasonable accommodations shall be made in a timely manner and on an individualized and flexible basis. Discrimination against individuals on the grounds of disability is prohibited. The University also strictly prohibits retaliation against persons arising in connection with the assertion of rights under this Policy.

A. Applicability

This Policy applies to all members of the University community, including students, faculty, staff, and third party individuals. It is the responsibility of individual students and employees to identify themselves as persons with a disability when requesting an accommodation. It is also the responsibility of the individual with the disability to provide current supporting documentation of his/her disability from a relevant credentialed professional that demonstrates how the disability affects his/her ability to perform the essential functions of his/her job or to participate in and benefit from educational programs, services and/or activities of the University. All supporting disability documentation will be kept confidential and separate from personnel records.

Students and employees with disabilities have the same obligation as all members of the community to meet and maintain the institution's job performance, academic, and technical standards, and codes of conduct.

The University's **ADA Coordinator** listed below is responsible for campus-wide compliance with Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973.

**Dr. Jo Ann Hutchinson, Director
Disability Support Service (DSS)**
0106 Shoemaker Building
Phone: 301.314.7682
Fax: 301.405.0813
TTY/TDD: 301.314.7682

Email: Dissup@umd.edu

Website: www.counseling.umd.edu/DSS/

II. DEFINITIONS

“Disability” (with respect to an individual) is a physical or mental impairment that substantially limits one or more of the person’s major life activities, taking into consideration any mitigating measures; a history of having such an impairment; or being regarded as having such an impairment.

“Disability supporting documentation” is a current medical, psychological, educational or other relevant documentation provided by a credentialed third party that establishes a person has a disability as defined above and demonstrates how the disability affects the person’s ability to perform the essential functions of his/her job or to participate in educational programs, services or activities of the University.

“Discrimination” is unequal treatment based on a disability that interferes with an individual’s ability to participate in the University’s educational programs, services or activities or with an individual’s ability to perform his/her job responsibilities.

“Essential Job Functions” is the fundamental, basic job duties performed in a position. A function may be essential because: the position exists to perform that function; there are a limited number of employees available who could perform that function; and/or the function is highly specialized, and the incumbent is hired for special expertise or ability to perform it.

“Interactive Process” is ongoing communication between the employee and employer, or the student and instructor or other University personnel, for the express purpose of providing a reasonable accommodation.

“Qualified Employee” is an employee with a disability who meets the legitimate skills, experience, education or other requirements of a job and who can perform the essential job functions of the position with or without reasonable accommodation.

“Qualified Student” is a student with a disability who meets the academic and technical standards requisite for admission to or participation in the programs, services or activities of the University with or without reasonable accommodation.

“Reasonable accommodations for Students” are adjustments including academic assistance, modifications to rules, policies, or practices; environmental adjustments such as the removal of architectural, communication, or transportation barriers; or auxiliary aids and services necessary for a student to participate in University programs, services or activities. Adjustments must address the particular disability and shall not fundamentally alter the academic objectives of an individual course, curriculum, program or degree. Examples of accommodations include: extended time for timed exams, reduced distraction environments for exams, sign language interpreters, transcribers, alternate texts and reading materials, recorded lectures, and assistive technologies. This is not an exhaustive list.

“Reasonable accommodations for Staff and Faculty and Student Employees” are any changes to a job, the work environment, or the way things are usually done that allows an individual with a disability to apply for a job, perform job functions, or enjoy equal access to benefits available to other individuals in the workplace. Modifications must address the particular disability and should not fundamentally alter the employee’s essential job functions.

“Retaliation” is action taken against an individual solely because of seeking an accommodation related to disability, filing a complaint of discrimination based on disability, or participating in an investigation or proceeding concerning allegations of discrimination based on disability.

III. ACCOMMODATION REQUEST PROCEDURES

A. Student Accommodation Request Procedures

This Policy requires the University and its agents to engage in an interactive dialogue with the student in order to implement reasonable accommodations. The provision and coordination of accommodations for students registered with DSS shall not require the University to fundamentally alter the academic objectives of an individual course, curriculum, program or degree.

1. Accommodation Request

It is the responsibility of the Disability Support Service (DSS) to determine reasonable accommodations for students. To receive an accommodation, students must register with the Disability Support Service (DSS). Students must provide supporting documentation that demonstrates how their disability limits participation in courses, programs, services, jobs, and activities, and/or access to facilities of the University. Documentation of the disability should be current and from appropriate professionals who are credentialed to diagnose the student’s particular disability. The type of required documentation will vary depending on the nature of the disability and accommodations requested. *See the [DSS website](#) for documentation requirements.* All documentation related to a student’s disability shall be kept confidential and retained by DSS. The DSS file shall be maintained separately from other student records maintained by the University.

a. Timeliness

Requests for accommodations should be made far enough in advance to allow the DSS adequate time to review registration documentation, establish whether the student is qualified, and determine a reasonable accommodation through an interactive process with the student. Generally it is best to request accommodations several weeks before a semester begins or as soon as a disability becomes known.

2. Eligibility Determination

Students are responsible for scheduling an in-person meeting with the DSS and submitting all necessary supporting documents prior to that meeting. The purpose

of the meeting is for DSS to engage the student in an interactive process to determine whether the student is: 1) a qualified individual, and 2) eligible for the specific requested accommodation(s). Once the student contacts DSS to schedule an appointment, and submits all necessary supporting disability documentation, DSS will work in good faith to determine and meet a qualified student's reasonable accommodation needs within ten (10) business days.

3. Implementation

After eligibility has been established, DSS will determine reasonable accommodations required by the student. An *Accommodations Letter* will be developed for the student with directions for sharing the letter with instructors. After receiving the *Accommodations Letter via email*, students are expected to meet with each course instructor, in person, to provide them with a copy of the *Accommodations Letter* and to obtain their signature on the *Acknowledgment of Student Request* form. Students and instructors will discuss a plan for how the accommodations will be implemented throughout the semester for the course. Specific details regarding implementation of the DSS approved accommodations agreed upon between the student and the individual course instructor, must be documented and added to the *Acknowledgment of Student Request form*, and signed by the instructor. The student is responsible for submitting the signed original form to DSS, and retaining a copy of the signed *Acknowledgment of Student Request* form for her/his individual records.

It is the responsibility of DSS to work with the student and the instructor (and Department Chair or Dean as appropriate) to facilitate effective and timely implementation of reasonable accommodation(s). If a student believes she/he is being denied reasonable accommodations or that reasonable accommodations are not being implemented in an effective and timely manner, the student should contact DSS immediately. All parties will prioritize accommodation implementation meetings requested by DSS. The University will use good faith efforts to resolve any outstanding issues within five (5) business days. If the student is not satisfied with the results of good faith efforts to resolve this issue, they may file a complaint with the University's Office of Civil Rights & Sexual Misconduct (OCRSM) (See Part IV Complaint Procedures for contact information.)

Academic Objections

If the instructor, Department Chair or Dean believes the accommodation fundamentally alters the academic objectives of the course, curriculum, program, or degree, he/she is obligated to notify DSS immediately, in writing, and provide an explanation of the reasoning. Within ten (10) business days, DSS in consultation with the student and instructor, Department Chair or/Dean will work to identify an alternative solution to ensure the student's accommodation needs are met whenever possible. When necessary, DSS will seek further review at a higher administrative level. If the student is an undergraduate, the DSS shall request review and resolution by the Associate Provost and Dean for Undergraduate Studies or designee.

If the student is a graduate student, the DSS shall request review and resolution by the Associate Provost and Dean of the Graduate School or designee. The Provost's Office will make good faith efforts to review and respond to concerns within ten (10) business days of notification.

B. Staff Accommodation Request Procedures

This Policy requires the University and its agents to engage in an interactive dialogue with the employee in order to implement reasonable accommodations.

It is the responsibility of the Office of Staff Relations in University Human Resources (Staff Relations) to determine reasonable accommodations for staff. As necessary, Staff Relations shall consult with the ADA Coordinator regarding the determination of eligibility and the accommodation request(s). Staff Relations is responsible for documenting approved accommodations, in an *Accommodation Plan*. A record of the *Accommodation Plan* shall be retained in the employee's departmental/unit personnel file and in Staff Relations. All supporting disability documentation shall be kept confidential and maintained by Staff Relations separately from the employee's other personnel records.

1. Accommodation Request

To receive an accommodation, an employee must obtain and complete a *Staff Accommodation Request* form from Staff Relations. The employee must document on the form the specific accommodation request and return it to Staff Relations. Additional supporting disability documentation may be requested when necessary.

2. Eligibility Determination

Staff Relations will review the completed *Staff Accommodation Request* form and supporting documentation, and meet with the employee to determine if the employee is a qualified individual with a disability and therefore eligible for accommodations. Staff Relations will consult with the ADA Coordinator, as appropriate, in making this determination.

3. Accommodation Determination

Staff Relations, in consultation with the ADA Coordinator and relevant supervisor/unit head, will review the employee's accommodation request in relation to his/her position, and facilitate an interactive dialogue with the employee, supervisor, and/or unit head, to determine and implement a reasonable accommodation.

4. Implementation

Once eligibility and the reasonable accommodation are approved, Staff Relations will develop an *Accommodation Plan*, which will be shared with the employee and supervisor. It is the responsibility of the supervisor (or unit head) to work in coordination with the employee to ensure appropriate implementation of reasonable accommodations. The University will use good faith efforts to implement reasonable accommodations within thirty (30) business days of receipt of the required documentation for the requested accommodations.

It is the responsibility of Staff Relations to work with the employee, supervisor and/or unit head, in consultation with the ADA Coordinator, as necessary, to facilitate a resolution that ensures effective and timely implementation of the accommodation. If an employee believes she/he has been denied reasonable accommodations or that reasonable accommodations are not being implemented in an effective and timely manner, the employee should contact Staff Relations immediately.

If Staff Relations' efforts to resolve implementation concerns are unsuccessful, the ADA Coordinator shall seek review and resolution by the Assistant Vice President of Human Resources. If the employee is not satisfied with the results of good faith efforts to resolve the issue, they may file a complaint with the University's Office of Civil Rights & Sexual Misconduct (OCRSM). (See Part IV – Complaint Procedures for contact information.)

C. Faculty Accommodation Request Procedures

This Policy requires the University and its agents to engage in an interactive dialogue with faculty in order to implement reasonable accommodations.

It is the responsibility of the Office of Faculty Affairs (Faculty Affairs) to determine reasonable accommodations for faculty. As necessary, Faculty Affairs shall consult with the ADA Coordinator regarding the determination of eligibility and the accommodation request(s). Faculty Affairs is responsible for documenting granted accommodations, in an *Accommodation Plan*. A record of the *Accommodation Plan* shall be retained in the faculty member's departmental file and in Faculty Affairs. All supporting disability documentation shall be kept confidential and maintained by Faculty Affairs separately from the faculty member's other personnel records.

1. Accommodation Request

To receive an accommodation, a faculty member must obtain and complete a *Faculty Accommodation Request* form from Faculty Affairs. The faculty member must document on the form the specific accommodation request and return it to Faculty Affairs. Additional supporting disability documentation may be requested when necessary.

2. Eligibility Determination

Faculty Affairs will review the completed *Faculty Accommodation Request* form and supporting documentation, and meet with the faculty member to determine if the faculty member is a qualified individual with a disability and therefore eligible for accommodations. Faculty Affairs will consult with the ADA Coordinator, as appropriate, in making this determination.

3. Accommodation Determination

Faculty Affairs, in consultation with the ADA Coordinator and relevant Dean or Department Chair, will review the faculty member's accommodation request in relation to the essential job functions of the position, and facilitate an interactive dialogue with the faculty member and Department Chair/Dean, to determine and implement a reasonable accommodation.

4. Implementation

Once eligibility and the reasonable accommodation are approved, Faculty Affairs will develop an *Accommodation Plan* which will be shared with the faculty member and Dean/Department Chair. It is the responsibility of the next level administrator (Dean, Department Chair, etc.) to work in coordination with the faculty member to ensure appropriate implementation of reasonable accommodations. The University will use good faith efforts to implement reasonable accommodations within thirty (30) business days of receipt of the required documentation for the requested accommodations.

It is the responsibility of Faculty Affairs to work with the faculty member and Dean/Department Chair in consultation with the ADA Coordinator, as necessary, to facilitate a resolution that ensures effective and timely implementation of the accommodation. If a faculty member believes she/he has been denied reasonable accommodations or that reasonable accommodations are not being implemented in an effective and timely manner, the faculty member should contact Faculty Affairs immediately.

If Faculty Affairs' efforts to resolve implementation concerns are unsuccessful, the ADA Coordinator shall seek review and resolution by the Senior Vice President and Provost. If the faculty member is not satisfied with the results of good faith efforts to resolve the issue, they may file a complaint with the University's Office of Civil Rights & Sexual Misconduct (OCRSM). (See Part IV- Complaint Procedures for contact information.)

D. Accommodation Request Procedures for Third Parties

1. Accommodation Request

Third party individuals (visitors, volunteers, applicants for admission or employment, vendors and contractors) with a disability, who are visiting the University, and seek an accommodation to facilitate their visit or access to University programs, must contact DSS.

a. Timeliness

Third parties are expected to provide reasonable notice in order for the University to facilitate the provision of a requested accommodation in a timely manner.

b. Documentation

Depending on the nature of the disability and accommodation request, third parties may be subject to the same supporting documentation requirements as students, faculty and staff.

2. Accommodation Implementation

It is the responsibility of the host department or unit on campus to implement reasonable accommodations, as communicated by DSS, to third parties.

IV. COMPLAINT PROCEDURES

Individual students, staff, faculty members or visiting third parties who believe that they have been denied reasonable accommodations or otherwise discriminated against on the basis of disability or retaliated against in violation of this Policy may file a complaint with the University's Office of Civil Rights & Sexual Misconduct (OCRSM). All such complaints will be reviewed in accordance with VI-1.00(B) University of Maryland Non-Discrimination Policy and Procedures (Approved on an Interim Basis by the President October 1, 2015):

<http://www.president.umd.edu/policies/2014-VI-100b.html>

Office of Civil Rights & Sexual Misconduct (OCRSM)

1103 Reckord Armory, College Park, MD 20742

Phone: 301.405.1142

Fax: 301.405.2837

Email: civilrights@umd.edu

Website: <http://www.umd.edu/ocrsm/>

You may report online [here](#).

Time Limits

Complaints of discrimination or retaliation in violation of this Policy must be made within ninety (90) calendar days following an incident of discrimination or retaliation. The OCRSM may waive the time limit upon a showing of good cause.

Appendix 2 - Sampling of Peer Institution Research

Non-Discrimination and Disability Accessibility Statements and Policies Peer Institution Research

University of Illinois at Urbana-Champaign

[University of Illinois at Urbana-Champaign Non-Discrimination Statement](#)

[Policy and Procedures for Addressing Discrimination and Harassment at the University of Illinois at Urbana-Champaign](#)

[Reasonable Accommodations Under the Americans with Disabilities Act \(ADA\)](#)

Indiana University

[Non-Discrimination Policy](#)

[Non-Discrimination/Equal Opportunity/Affirmative Action](#)

[University Non-Discrimination Policies](#)

[Americans with Disabilities Act \(ADA\) Policy](#)

University of Iowa

[Nondiscrimination Statement](#)

[Accessibility Statement](#)

[Disability Protection Policy and Accessibility Statement](#)

University of Michigan

[Discrimination and Harassment](#) (the website says that this applies to faculty and staff)

[The University of Michigan Procedural Guidelines for Handling Discrimination and Harassment Complaints](#)

[Nondiscrimination Policy Notice](#) (includes links to policies and procedures- some listed below)

[EEO Affirmative Action Policy for Individuals with Disabilities](#)

[Non-discrimination](#)

[Preventing Discrimination Based on Sexual Orientation](#)

Michigan State University

[Anti-Discrimination Policy](#) and [ADP Users Manual](#)

[Notice of Non-Discrimination](#)

[Anti-Discrimination Policy/Relationship Violence & Sexual Misconduct Policy Student Conduct Review Panel Procedures \(applies to cases filed by OIE with the Department of Student Life on 9/2/15 and after\)](#)

[Office of Institutional Equity Complaint Procedures](#)

[Discrimination/Harassment Formal Complaint Form](#)

Reasonable Accommodations Policy for University Applicants and Employees (see PDF)

[Resource Center for Persons with Disabilities](#)- various documents available

University of Minnesota- Twin Cities

[Discrimination Prohibition](#)

[Discrimination Complaint Information](#)

[Minnesota State Colleges and Universities Equal Opportunity and Nondiscrimination in Employment and Education](#)

[ADA Compliance Policy](#)

University of Nebraska- Lincoln

[Discrimination and Harassment Policies](#)

[Americans with Disabilities Act and Section 504 Grievance Procedure](#)

[Intake Form](#)

[Notice of Nondiscrimination Policy](#)

Northwestern University

[Policy on Discrimination and Harassment](#)

[Non-Discrimination Statement](#)

[Discrimination and Harassment Complaints](#) (procedures)

[Reasonable Accommodation Policy](#) (employees)

[AccessibleNU](#)- no official policy, but has a list of core mission and values

[Laws Pertaining to Accommodations](#)

[Documentation Guidelines](#)

[Eligibility for Services](#)

Ohio State University

[Nondiscrimination Notice](#)

[Affirmative Action, Equal Employment Opportunity & Non-Discrimination/Harassment, 1.10](#)

[Discrimination and Harassment Complaint](#)

[Reasonable Accommodation](#)

[Equal Employment for Individuals with Disabilities](#)

[Access for Individuals with Disabilities](#)

Pennsylvania State University

[Documentation Guidelines \(disabilities\)](#)

[Accessibility of Penn State Web Pages](#)

[University Faculty Senate Policy 43-00 Syllabus \(with syllabus disability statement\)](#)

[Policy AD85- Discrimination, Harassment, Sexual Harassment, and Related Inappropriate Conduct](#)

Purdue University

[Nondiscrimination Policy Statement](#)

[Reasonable Accommodation Process](#) and [Reasonable Accommodation Request Form](#)

[Student Success at Purdue- Accommodations and Services](#)

[Student Disability Grievance Procedures](#)

University of Wisconsin- Madison

[Statement of Non-Discrimination](#)

[Classified Staff Disability Accommodation Policy](#) and [Request Form](#)

[Academic Staff Disability Accommodation Policy](#) and [Request Form](#)

[Faculty Disability Accommodation Policy](#) and [Request Form](#)

[ADA Accommodations Notice](#)

[Student Disability Accommodations Request](#)

[UW-Madison Internal ADA Accommodation Requests and Appeal/Grievance Procedures](#)

[UW-Madison ADA Grievance Procedure](#)

Rutgers University

[Policy Prohibiting Discrimination and Harassment](#) and [Complaint Process](#)

[Reasonable Accommodations \(Students\)](#)

[Grievance Procedure](#)

University of California, Berkeley

[Nondiscrimination Policy](#)

University of California System Policy- [Guidelines Applying to Nondiscrimination on the Basis of Disability](#) and [Request Services](#)

University of California, Los Angeles

Same disability guidelines apply as above.

[Student Grievance Procedures](#)

[Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment](#) (UC System Policy)

[ADA/504 Compliance Office Mission Statement](#)

University of North Carolina, Chapel Hill

[Policy Statement on Nondiscrimination](#)

[University Nondiscrimination Policies](#)

For [Students, Employees, and Applicants](#)

For [Visitors and Program Participants](#)

[Reasonable Accommodations in Employment](#)

[Accessibility Resources & Service Policy Page](#)