



Technical Revisions to the University of Maryland Disability & Accessibility Policy and Procedures (VI-1.00[D])

PRESENTED BY Reka S. Montfort, Executive Secretary & Director

REVIEW DATES SEC – August 19, 2020 | SENATE – September 8, 2020

VOTING METHOD For information only

RELEVANT POLICY/DOCUMENT [VI-1.00\(D\)](#) – University of Maryland Disability & Accessibility Policy and Procedures

NECESSARY APPROVALS N/A

ISSUE

The University of Maryland Disability & Accessibility Policy and Procedures were last amended and approved by the President in May 2016 (see Senate Document [#15-16-29](#) for more information). In spring 2020, the University’s Disability Support Services (DSS) referenced in the Policy changed its name to Accessibility and Disability Service (ADS). The Office of General Counsel advised that the Policy be revised to reflect the new name and acronym and suggested additional minor updates. In May 2020, the University Senate Office worked with the Office of the President to make the suggested revisions to the Disability & Accessibility Policy and Procedures (VI-1.00[D]). The revisions were reviewed and approved by the Senate leadership. The President reviewed the revisions as technical amendments and approved the revised Policies and Procedures on June 1, 2020.

RECOMMENDATION(S)

The technical revisions are provided for informational purposes.

COMMITTEE WORK

N/A

ALTERNATIVES

N/A

RISKS

N/A

FINANCIAL IMPLICATIONS

N/A



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

(Approved on an Interim Basis October 1, 2015; Amended March 23, 2016; Amended and approved by the President May 6, 2016; **Technical amendments May 13, 2020**)

I. POLICY

The University of Maryland is committed to creating and maintaining a welcoming and inclusive educational, working, and living environment for people of all abilities. 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 their disability from a relevant credentialed professional that demonstrates how the disability affects their ability to perform the essential functions of their 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

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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 their 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 their 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 allow 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 the **DSS Accessibility & Disability Service (ADS)** 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)~~**ADS** to determine reasonable accommodations for students. To receive an accommodation, students must register with the **DSSADS**. Students must provide supporting documentation that demonstrates how their disability limits participation in courses, programs, services, jobs, 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~~**ADS website** (<http://www.counseling.umd.edu/dss/forms/>) for documentation requirements. All documentation related to a student’s disability shall be kept confidential and retained by the **DSSADS**. The **DSSADS** 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 **DSSADS** 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 **DSSADS** and submitting all necessary supporting documents prior to that meeting. The purpose of the meeting is for the **DSSADS** 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 the **DSSADS** to schedule an appointment, and submits all necessary supporting disability documentation, the **DSSADS** 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, the **DSSADS** 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 **DSSADS** 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 the **DSSADS**, and retaining a copy of the signed *Acknowledgment of Student Request* form for their individual records.

It is the responsibility of the **DSSADS** 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 they are being denied reasonable accommodations or that reasonable accommodations are not being implemented in an effective and timely manner, the student should contact the **DSSADS** immediately. All parties will prioritize accommodation implementation meetings requested by the **DSSADS**. 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, they are obligated to notify the **DSSADS** immediately, in writing, and provide an explanation of the reasoning. Within ten (10) business days, the **DSSADS** 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, the **DSSADS** will seek further review at a higher administrative level. If the student is an undergraduate, the **DSSADS** shall

request review and resolution by the Associate Provost and Dean for Undergraduate Studies or designee.

If the student is a graduate student, including graduate assistants, the **DSSADS** shall request review and resolution by the Associate Provost and Dean of the Graduate School or designee. The Office of the Provost 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 their 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 they have 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 for 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 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 they have 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 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 the [DSSADS](#).

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 the **DSSADS**, 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 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; amended March 22, 2016; amended May 6, 2016)~~:
<http://www.president.umd.edu/administration/policies/section-vi-general-administration/vi-100b>

Office of Civil Rights & Sexual Misconduct (OCRSM)

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You may report online ~~hereat~~ <https://www.ocrsm.umd.edu/discrimination/index.html>.

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.