



## UNIVERSITY OPERATING PROCEDURE

### **Title:** Disability Certification, Accommodation and Support - Students

#### Overview

The University of Vermont is committed to providing an educational atmosphere and experience that is accessible to all qualified students, including students with disabilities. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (Section 504), and the Americans with Disabilities Act of 1990, 42 U.S.C. 12131 (the ADA), the Americans with Disabilities Act Amendments Act of 2008, (the ADAAA), prohibit institutions such as the University of Vermont from discriminating against qualified students with disabilities and require that reasonable and effective academic accommodations be provided to such students. It is, therefore, the policy of the University of Vermont not to discriminate against students with disabilities in any program or activity of the University for which the student is qualified, and to provide reasonable accommodations and auxiliary services to such students with due regard for the integrity of academic programs.

#### Applicability of the Procedure

This procedure applies to any student<sup>1</sup> seeking accommodation for a disability at the University of Vermont.

#### Definitions

- Disability:* A physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment. A person may have a disability even if the effects of the disability are episodic or in remission. Temporary conditions may also be substantially limiting.
- Interactive Process:* An ongoing dialogue between the student and SAS about possible options for reasonably accommodating the student's disability. Through the interactive process, the University of Vermont seeks to achieve the following goals:
- Provide equal access to courses, programs, activities, and services;
  - Provide reasonable accommodations in a timely manner;
  - Provide courses, programs, services, and facilities that are available and usable in the most integrated and appropriate settings;
  - Meet applicable accessibility standards for classroom materials provided by UVM;
  - Comply with applicable state and federal laws

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<sup>1</sup> This procedure addresses accommodations for students related to their academic program and other programs offered to students of the University. Students seeking reasonable accommodation related to employment at the University should refer to the [Procedural Guidelines for Disability Accommodation for Employees and Applicants for Employment](#).

**Qualified Individual With a Disability:** An individual with a disability who, with or without reasonable accommodations, meets the academic requirements and technical standards of behavior and performance required of all students.

**Reasonable Accommodation:** *any change or adjustment to the educational environment that permits a student with a disability to enjoy benefits and privileges of the educational environment equal to those enjoyed by students without disabilities.* Reasonable accommodations may include adjustment to activities, space or the physical plant of the University. Reasonable accommodations may also include appropriate academic adjustments.

Reasonable Accommodations cannot include:

- Academic adjustments that lower or substantially alter the technical standards or essential academic requirements or elements of a program, course or curriculum
- Accommodations that pose a direct threat to the health or safety of the student or others
- Accommodations that pose an undue administrative or financial burden on the University
- Personal care, personal devices, and personal coaching
- Psycho-educational evaluation/testing for the presence of a disability
- Transportation (unless provided for all students for a specific event)

**Regarded as Disabled:** An individual is regarded as disabled if the individual establishes that they have been subjected to an action prohibited under the ADAAA because of an actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity. Regarded as disabled does not apply to impairments that are transitory and minor.

**Transitory Impairment:** An impairment with an actual or expected duration of six months or less.

## Procedures

### Interactive Process

Students who wish to be considered for a reasonable accommodation based on a disability must contact the Student Accessibility Office (SAS) to initiate a request for disability certification and engage in the interactive process. Faculty or staff approached by a student asserting the need for a reasonable accommodation must refer the student to SAS for certification of whether the student is a qualified individual with a disability and, if so, to initiate the process of determining potential reasonable accommodations.

### Step One: Determining if the Student has a Disability and is Otherwise Qualified

Students are eligible for reasonable accommodations if they have a disability and are "otherwise qualified." In order to request reasonable accommodations and allow SAS to make this determination:

1. The student must contact SAS.
2. SAS will determine if medical documentation is required from the individual's health care provider to establish that they are a person with a Disability.
3. If medical documentation is required, SAS will obtain necessary releases of information from the individual to communicate with their provider(s) and inform the individual of the type of documentation that is needed. This documentation will also be utilized in the process of determining Reasonable Accommodation(s).

Please note that all medical documentation must be from an appropriately licensed health care professional who has an established relationship with the individual sufficient to understand and assess their Disability and related needs. If documentation provided by an individual is insufficient to establish that they have a Disability and/or to determine Reasonable Accommodation(s), SAS reserves the right to request additional medical documentation from a health care provider. Documentation of disability furnished by the student will be kept confidential and will be shared with University personnel only with permission of the student, except as is otherwise required by law.

Students who are determined not to be a qualified Individual with a disability, and therefore not eligible for reasonable accommodations, are nonetheless eligible for assistance from other offices on campus (*e.g.*, Deans Offices Student Support, Academic Advisors, Center for Health and Wellbeing, Counseling and Psychiatry Services). In particular, students with transitory impairments needing assistance or modifications to course requirements, residential housing or other programs of the University as a result of temporary physical limitations due to illness or injury should refer to information available on the website for the Center for Health and Well-Being <https://www.uvm.edu/health/short-term-accommodations>.

#### Step Two: Identification of accommodations being requested

After it is established that the individual has a Disability, SAS will work with the individual to determine what accommodations they are requesting. Accommodations must be related to participation in University programs and activities, and be supported by the medical documentation. Specifically, SAS must receive timely documentation of the disability for which accommodation is being sought, and the documentation must outline functional limitations that are current and consistent with the requested accommodation.

#### Step Three: Determining if requested accommodations are reasonable

Although the University of Vermont will strive to provide the student's requested or preferred accommodation, the University is not required to provide the exact accommodation that is requested. Any reasonable accommodation will be equally effective and determined through the interactive process.

An accommodation is deemed unreasonable if it: 1) Poses an undue financial or administrative burden on the University; 2) Poses a direct threat to the health or safety of the student or other individuals; 3) Constitutes a fundamental alteration to a course, program, service, or activity; or 4) Is unrelated to the individual's Disability.

#### Step Four: Implementing Reasonable Accommodations

Once Reasonable Accommodation(s) are agreed upon, SAS will document the accommodations and plan for implementation in a letter that is sent to the individual along with University personnel involved in the implementation.

SAS will work with the individual and other necessary University officials to implement the accommodation(s) expeditiously and remain available for consultation regarding the efficacy of the accommodations. Based on the details of an individual's Disability and determined accommodation(s), follow-up may be required to ascertain whether accommodation(s) that are implemented continue to be necessary and effective. Such follow-up may require new or additional documentation and re-engagement in the interactive process, at the discretion of SAS.

Students are encouraged to notify SAS if they encounter any difficulties with an approved accommodation.

## Modifications to Accommodations

If, following the provision of accommodations under this procedure, the student wishes to request a modified accommodation, this request must be made to SAS, and will be considered using the procedure outlined above. It is the responsibility of the student to contact SAS if modifications to accommodations are needed.

## Unresolved Accommodation Requests

After a student is certified as having a disability, if there is disagreement on what accommodations may be reasonable, the University will engage with the student in an interactive process to make a decision on appropriate and reasonable accommodations. Grievance procedures regarding academic accommodations may be found at: [Process for Resolution of Academic Accommodations](#)

If a student believes that they have been discriminated against at the University because they have a disability, is perceived as having a disability, or is affiliated with an individual with a disability, the student should contact the Office of Equal Opportunity for further information, assistance, or to make a complaint. Procedures for filing a complaint and for investigation of complaints may be found at: <http://www.uvm.edu/equal-opportunity>.

## Contacts

Questions concerning the daily operational interpretation of this policy should be directed to the following (in accordance with the policy elaboration and procedures):	
Title(s)/Department(s):	Contact Information:
Vice Provost for Academic Affairs and Student Success	304 Waterman Building (802) 656-2232
<b>For students requesting accommodations:</b> Director of Student Accessibility Services	A-170 Living Learning Center (802) 656-7753
<b>For unresolved accommodation requests:</b> ADA/504 Coordinator	428 Waterman Building (802) 656-0945
<b>For discrimination concerns:</b> Director, Office of Equal Opportunity	428 Waterman Building (802) 656-3368

## Related Documents/Policies

- [Equal Opportunity in Educational Programs and Activities and Non-Harassment Policy](#)
- [Procedural Guidelines for Disability Accommodation for Employees and Applicants for Employment](#)
- [Process for Resolution of Academic Accommodations](#)
- [SAS Documentation Guidelines for Disability Certification](#)
- [Service and Emotional Support Animals Procedure](#)

## Training/Education

Training will be provided on an as-needed basis as determined by the Approval Authority or the Responsible Official.

## About This Procedure

<b>Responsible Official:</b>	Provost and Senior Vice President	<b>Approval Authority:</b>	Provost and Senior Vice President
<b>Affiliated Policy Number(s):</b>	V. 4.24.11	<b>Effective Date:</b>	January 26, 2021
<b>Revision History:</b>	<ul style="list-style-type: none"><li>January 26, 2021 The Disability Certification, Accommodation and Support - Students procedure replaced the Disability Certification, Accommodation and Support - Students policy</li><li>Responsible official officially changed from the Vice Provost for Student Affairs to the Provost and Senior Vice President on September 21, 2021</li></ul>		

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