**Disability Services for Students** **UPPS No. 07.11.01**

 **Issue No. 12**

 **Effective Date: 04/05/2024**

 **Next Review Date: 07/01/2027 (E3Y)**

 **Sr. Reviewer: Director, Office of Disability Services**

**POLICY STATEMENT**

Texas State University is committed to ensuring students who have a disability are afforded equal opportunities and equal access in compliance with federal and state laws.

1. **SCOPE**
	1. This policy establishes procedures and defines responsibility for the administration of services available to students with disabilities through Disability Services (DS) at Texas State University and the provision of specific and reasonable accommodations for students with disabilities by Texas State faculty and staff.
	2. Texas State will comply with [Section 504 of the Rehabilitation Act of 1973](https://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html) and [the Americans with Disabilities Act (ADA) of 1990, as amended](https://www.ada.gov/law-and-regs/ada/).
	3. Students with disabilities should initiate requests for accommodations. However, the accountability and responsibility of providing students with disabilities equal access to the university is shared among students, faculty, administrators, and staff. Reasonable accommodations for students with disabilities are designed to provide equal access in a manner that does not compromise essential elements of a university program, activity, or service.

**02. DEFINITIONS**

02.01 [Americans with Disabilities Act of 1990, as amended](https://www.ada.gov/law-and-regs/ada/) (ADA) – prohibits

discrimination on the basis of disability in employment, programs, and services provided by state and local governments, goods and services provided by private companies, and in commercial facilities.

* 1. Disability – a physical or mental impairment that substantially limits one or more major life activities; a record of such impairment; or being regarded as having such an impairment.
	2. Disability Services (DS) – the designated university authority for assigning student accommodations and assists in providing accommodations and support services to students with disabilities.
	3. Fundamental Alteration – Any accommodation that would fundamentally affect or change the nature of a program or course being taught or that fundamentally alters the essential requirements of instruction or course requirements is not considered a reasonable academic accommodation. The university is not required to alter or modify a course or program to the extent that it changes the fundamental nature of that course or program.
	4. Major Life Activity
1. General – functions which include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
2. Major Bodily Functions – operations of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
	1. Otherwise Qualified – with respect to postsecondary education, a person who meets the academic and technical standards requisite for admission or participation in the institution's programs and activities.
	2. Reasonable Accommodation ‒ modifications, adjustments, services, and/or auxiliary aids that give a student with a disability an equal opportunity to engage in and benefit from the educational process. Reasonable accommodations may include:
3. changes to a classroom environment or task that permit a student with a disability to participate in the educational process;
4. modifications to policies, practices, or procedures (e.g., reduced course load, extended time to degree, etc.);
5. provision of accessible instructional materials and effective communication services; and
6. other adaptations or modifications that enable a student to enjoy the benefits and privileges of the university’s programs, activities, and services.
	1. [Section 504 of the Rehabilitation Act of 1973](https://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html) – requires colleges and universities that receive federal financial assistance (including student loans) to make their programs and activities accessible to individuals with disabilities.
	2. Substantial Limitation – an impairment or restriction whereby a student cannot perform one or more major life activities, or is hindered as to the condition, manner, or duration under which they can perform one or more major life activities as compared to the average student in the general performance of the affected activity.
	3. Undue Burden/Hardship – Any accommodation that would result in a significant financial or administrative burden or expense constitutes an undue burden/hardship and is not considered a reasonable accommodation. Factors to consider in determining whether there is an undue burden/hardship include:
7. the overall size of the program or activity with respect to the number of employees, number and type of facilities, and size of budget;
8. the type of operation, including the composition and structure of the workforce; and,
9. the nature and cost of the accommodation needed.

**03. PROCEDURES FOR PROVIDING ACCOMMODATIONS TO STUDENTS ON THE BASIS OF A DISABILITY**

* 1. DS will determine eligibility for accommodations and will identify reasonable accommodations through an interactive process.
	2. Registering with DS
1. An otherwise qualified student who requires accommodation to participate in the academic setting or in a university-sponsored activity or program (including campus housing) must register with DS to receive reasonable accommodations. A student must:

* 1. submit the online application for services;
	2. provide disability-related [documentation](https://www.ods.txst.edu/current-students/documentation-guidelines.html); and
	3. schedule an accommodation review meeting to discuss needs and factors considered in determining reasonable accommodations.
	4. Determining Reasonable Accommodations
1. DS staff will consider the student’s self-report and disability-related documentation to determine reasonable accommodations for the student. The accommodations provided will be directly tied to the functional impact caused by the disability.
2. Students should request accommodations in a timely manner, allowing enough time for both the DS staff and any other entities involved to implement the requested accommodation.
	1. Maintenance of Student Records
3. Records and/or information provided by or on behalf of students in the accommodation request process are considered confidential student records, in accordance with [UPPS No. 01.04.31](https://policies.txst.edu/university-policies/01-04-31.html), Access to Student Records Pursuant to the Family Educational Rights and Privacy Act of 1974 and shall be securely maintained by DS. Such records or information shall only be disclosed in accordance with university policy, federal and state law, and generally, only to those university officials who the DS or the Office of General Counsel, or designee, determines have either a “legitimate educational interest” and/or a “need to know, as determined by DS, who may consult with the Texas State University Office of General Counsel.
4. Student records will be maintained in accordance with [UPPS No. 01.04.32](https://policies.txst.edu/university-policies/01-04-32.html), University Records Management.
	* 1. **ACADEMIC ACCOMMODATIONS AND INSTRUCTOR RESPONSIBILITIES**
	1. Students who need accommodations to equally participate in the educational setting must request their accommodations for the semesters in which they will be needed. DS will provide both the student and the instructor with an accommodation letter which identifies the accommodations the student has requested for the course.
	2. Accommodations will not be retroactive. Students are encouraged to request accommodations at the start of each semester or as soon as possible after they completed the registration process. An instructor will only be responsible for providing the accommodation from the time the student requests it.
	3. An instructor may not unilaterally deny an accommodation. DS staff are available to assist instructors who may experience difficulties in providing requested accommodations or believe the accommodation would result in a fundamental alteration or undue burden. Instructors should consult with DS as soon as possible to discuss their concerns and explore whether alternative accommodations are appropriate. DS staff will consult with department chairs and deans regarding academic accommodations on an as-needed basis. Failure to follow this policy and provide reasonable accommodations may be considered a violation of this policy and [UPPS No. 04.04.46](https://policies.txst.edu/university-policies/04-04-46.html), Prohibition of Discrimination and may result in disciplinary action.
	4. Each instructor must inform their classes at the beginning of each semester of their willingness and obligation to provide reasonable accommodations to students with disabilities. The instructor must include the [Accommodations for Students with Disabilities Statement](https://www.ods.txst.edu/faculty-staff/ada-syllabus-statement.html), found on the Disability Services website, on the course syllabus.
		1. **GRIEVANCE PROCEDURE FOR DISCRIMINATION RELATED TO A**

**DISABILITY**

* 1. Currently enrolled students who have a concern regarding disability status, accommodations or lack thereof, designation of disability status, issues pertaining to DS, or believe they have been subject to discrimination should follow the procedures outlined in the [DS Dispute Resolution Procedures](https://www.ods.txst.edu/policies-procedures/dispute-resolution-procedures.html) or in [UPPS No. 04.04.46](https://policies.txst.edu/university-policies/04-04-46.html), Prohibition of Discrimination. These procedures will be subject to periodic review.
		1. **REVIEWERS OF THIS UPPS**

06.01 Reviewers of this UPPS include the following:

Position Date

Director, Disability Services July 1 E3Y

Assistant Vice President for July 1 E3Y

Student Success

Associate Vice President for July 1 E3Y

Enrollment Management

Vice Provost for Academic July 1 E3Y

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* + 1. **CERTIFICATION STATEMENT**

This UPPS has been approved by the following individuals in their official capacities and represents Texas State policy and procedure from the date of this document until superseded.

Director, Disability Services; senior reviewer of this UPPS

Vice President for Student Success

President