Student Educational Disability Accommodations

POLICY STATEMENT
The University of North Dakota (UND) is committed to the principle of equal access opportunity. UND will provide reasonable accommodations for qualified students with disabilities, as required by law, including the Americans with Disabilities Act (ADA), the Rehabilitation Act of 1973, and the North Dakota Human Rights Act.

Student requests for disability accommodations related to work are addressed in the Workplace Accommodations policy.

REASON FOR POLICY
UND adheres to applicable federal and state laws, regulations, and guidelines to effectively and timely provide reasonable accommodations to qualified students with disabilities. UND adopts this policy with a commitment to providing equal access opportunity for students with disabilities. This policy sets forth the University’s process to receive, consider, and implement reasonable student accommodations.

SCOPE OF POLICY
This policy applies to:

- President
- Vice Presidents
- Deans, Directors & Department Heads
- Managers & Supervisors
- Faculty
- Staff
- Students
- Other: Applicants for employment

RELATED INFORMATION

42 U.S.C. §§1201 seq. – Americans with
https://www.ada.gov/pubs/adastatute08.htm
### Disabilities Act of 1990, as amended (ADA)

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
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<tbody>
<tr>
<td>NDCC 14-02.4</td>
<td>Human Rights</td>
</tr>
<tr>
<td>UND Code of Student Life</td>
<td></td>
</tr>
<tr>
<td>UND Equal Opportunity &amp; Title IX</td>
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</table>

### UND Equal Opportunity & Title IX

- [https://campus.UND.edu/equal-opportunity/index.html](https://campus.UND.edu/equal-opportunity/index.html)

### UND Policy - Animals on Campus

- [https://UND.policystat.com/?lt=nEb9f5IPhiT42yu4MiKV8w&next=%2Fpolicy%2F7714143%2Flatest%2F](https://UND.policystat.com/?lt=nEb9f5IPhiT42yu4MiKV8w&next=%2Fpolicy%2F7714143%2Flatest%2F)

### UND Policy - Digital Accessibility

- [https://UND.policystat.com/?lt=nEb9f5IPhiT42yu4MiKV8w&next=%2Fpolicy%2F8664738%2Flatest%2F](https://UND.policystat.com/?lt=nEb9f5IPhiT42yu4MiKV8w&next=%2Fpolicy%2F8664738%2Flatest%2F)

### UND Policy – Discrimination and Harassment

- [https://UND.policystat.com/?lt=nEb9f5IPhiT42yu4MiKV8w&next=%2Fpolicy%2F10163793%2Flatest%2F](https://UND.policystat.com/?lt=nEb9f5IPhiT42yu4MiKV8w&next=%2Fpolicy%2F10163793%2Flatest%2F)

### CONTACTS

Specific questions should be directed to the following:

<table>
<thead>
<tr>
<th>Subject</th>
<th>Contact</th>
<th>Telephone</th>
<th>Department Email / Web Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy Clarification</td>
<td>Disability Services for Students</td>
<td>701.777.4076</td>
<td><a href="https://UND.edu/student-life/disability-services/">https://UND.edu/student-life/disability-services/</a></td>
</tr>
<tr>
<td>Make a Report to the Department of Education</td>
<td>Office for Civil Rights, U.S. Department of Education</td>
<td>312.730.1560</td>
<td><a href="https://www2.ed.gov/about/offices/list/ocr/index.html">https://www2.ed.gov/about/offices/list/ocr/index.html</a></td>
</tr>
<tr>
<td>Request Accommodation</td>
<td>Disability Services for Students</td>
<td>701.777.2664</td>
<td><a href="https://UND.edu/student-life/disability-services/">https://UND.edu/student-life/disability-services/</a></td>
</tr>
<tr>
<td>Technology &amp; Digital Accessibility</td>
<td>University Information Technology (UIT)</td>
<td>701.777.2222</td>
<td><a href="https://campus.UND.edu/campus-services/uit/">https://campus.UND.edu/campus-services/uit/</a></td>
</tr>
<tr>
<td>Universal Design &amp; Accessibility</td>
<td>Teaching Transformation and Development Academy (TTaDa)</td>
<td>701.777.3325</td>
<td><a href="https://UND.edu/academics/ttada/">https://UND.edu/academics/ttada/</a></td>
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### DEFINITIONS

<table>
<thead>
<tr>
<th>Definition</th>
<th>Description</th>
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<tr>
<td>Disability</td>
<td>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.</td>
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<tr>
<td>Essential Function</td>
<td>The academic requirements and essential functions necessary for the course or clinical training to be effective.</td>
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</table>
**Major Life Activity**
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. It also includes the operation 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.

**Qualified Individual**
An individual who can, with or without reasonable accommodation(s), perform the essential functions of the academic class or program.

**Reasonable Accommodation**
A modification or adjustment to the academic program or university environment that enables a qualified individual with a disability to perform the essential functions of the course or training and allows access to the University’s programs, services, and activities.

**Substantially Limits**
Prevents the performance of a major life activity that the average person in the general population can perform; or causes a significant restriction as to the condition, manner, or duration under which an individual can perform a particular major life activity, as compared to the average person in the general population.

**Undue Hardship**
An action requiring significant difficulty or expense, when considered in light of the factors below:

- The nature and cost of the accommodation needed;
- The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed; the effect on expenses and resources; or the impact otherwise of such accommodation upon the operation of the facility;
- The overall financial resources of the employer; the number of employees; the number, type, and location of the employer’s facilities; and
- The type of operation or operations of the employer, including the composition, structure, and functions of the workforce; the geographic separateness, administrative, or fiscal relationship of the facility or facilities to the employer.

**PRINCIPLES**
The University will make reasonable academic accommodations to qualified individuals with a disability unless the accommodations creates an undue hardship. Accommodations will be determined on a case-by-case basis. Disability Services for Students (DSS) is responsible for determining academic accommodations for qualified students. Departments and programs are responsible for providing the accommodations. DSS may assist in providing arrangements or information to support the implementation of the accommodation.

**Reasonable Accommodations**
UND makes every effort to assist students who request reasonable accommodation(s). Any qualified individual with a disability may request a reasonable accommodation at any point. Accommodations are not retroactive.

Reasonable accommodations are determined on a case-by-case basis and may include, but are not limited to, the following actions:

- Making courses and programs used by students accessible to and usable by an individual with a disability.
- Acquiring or modifying equipment or devices or providing auxiliary aids.
- Providing alternative formats to remove barriers of a disability.
- Providing extra time to complete exams, quizzes, or class assignments to remove barriers of a disability.

The University does not provide personal use items/amenities or equipment or services for personal use.
Disability Accommodation Coordination

The University has designated employees to serve as disability access coordinators for student requests. The DSS Office is the primary point of contact for an interactive and private process to ensure a student has access and will work with students to determine eligibility and appropriate access accommodations.

ADA Coordinator

Under the ADA, the University must designate at least one individual to coordinate ADA compliance on campus. The assistant vice president for equal opportunity and Title IX has been designated as the University’s ADA Coordinator.

PROCEDURES

Qualifying as an Individual with a Disability

Under the ADA, to be qualified as an individual with a disability for a disability accommodation, the individual must have a condition that substantially limits a major life activity such as learning, seeing, hearing, speaking, walking or breathing. Presence of a disability alone does not necessarily qualify an individual for accommodations. Students must experience functional limitation(s) caused by the disability that significantly limits or prevents access to the University’s programs, services or facilities.

Students may be asked to provide documentation or verification regarding the limitation. If verification or additional documentation is determined to be necessary, it is expected that the student will cooperate with the request for additional information. Failure to provide necessary medical or other supporting documentation may prevent a requested accommodation from being processed and/or provided.

In some cases, faculty may provide accommodations on request, without students receiving a formal designation as an individual with a disability. In other cases, Disability Services for Students will determine if an individual student qualifies as an individual with a disability. Not all illnesses, conditions, or impairments are considered a “disability” under this policy and applicable state and federal laws.

Determining an academic accommodation is an interactive process between the University and the student. Students may request accommodations through DSS at any time. The request does not need to include the words “reasonable accommodation,” “disability,” or “ADA.”

Students may request an accommodation by submitting an application to DSS. The completed application along with the supporting documentation, should be submitted to DSS. Upon receipt of an application and/or documentation, DSS will reach out to the student to begin the interactive process to determine eligibility and reasonable accommodation(s).

Determining Reasonable Accommodations

Determining academic accommodation(s) is an interactive process between the student and DSS. The student and DSS will engage in an interactive process to identify the limitation on a major life activity, the barriers caused by the disability and which accommodation(s) may be appropriate and reasonable.

The determination process is done on a case-by-case basis and is accomplished through discussion with the student and review of the disability documentation. There must be a logical link between the functional limits of the student’s disability and the specific accommodation.
The student must engage in the interactive process and update their DSS verification document each semester. Students may also consult with DSS for a review of their accommodations at any time.

The effectiveness of the approved accommodation will continually be evaluated by the student and faculty and they may consult or seek assistance with DSS at any time. Any party can request a modification to the accommodation at any time. The interactive process described above will be used to evaluate a request to change the accommodation.

Access coordinators are staff members in DSS who make the determination regarding reasonable accommodations. If the student disagrees with the accommodation decision, the student should consult with their access coordinator again to discuss their concerns and/or provide additional information to support their accommodation request. If after secondary consultations with the access coordinator the student can not reach an agreement regarding appropriate and reasonable accommodations, the student may consult with the director of DSS for a review. The director is the final decision maker regarding reasonable accommodations.

When a determination of reasonable accommodations is reached, if accommodations are approved, the student receives an accommodation verification document to present to faculty members to discuss the implementation of the approved accommodation.

**Declining or Denying Reasonable Accommodations**

It is the student’s responsibility to discuss their accommodations with each of their faculty members. If a faculty member has a concern with the reasonableness of the accommodation they should first discuss the accommodation with the student. If the student and faculty member can not come to an agreement, the faculty member or the student should consult DSS for guidance.

If the student believes they were unfairly denied an accommodation they may contact the ADA Coordinator in writing. The student must state why the proposed accommodation is not suitable. The student may also contact the Office of Civil Rights through the U.S. Department of Education (see Contacts).

**Accommodation Implementation**

It is the responsibility of the student to discuss their approved accommodations with their faculty in each course. Accommodations are not retroactive.

Faculty are encouraged to work with the Teaching Transformation and Development Academy (TTaDa) to make their course materials and classroom environment as accessible as possible.

**Rights and Responsibilities**

**Students**

Students have the right to:

- Apply for accommodations at any time;
- Engage in an interactive process with an access coordinator in DSS to discuss their barriers;
- Request a review of the accommodations at any time; and
- Expect confidentiality of records concerning the disability except when disclosure is required by law, necessary to implement the accommodation, or authorized by the student.

Students have the responsibility to:

- Apply for accommodations with DSS;
- Engage in an interactive process with an access coordinator in DSS to discuss their barriers;
- Provide supporting documentation when requested;
• Discuss their approved accommodations with each of their faculty members;
• Provide each of their faculty members a copy of their verification document with approved accommodations;
• Discuss, as needed, accommodation needs with their faculty members;
• Understand accommodations are not retroactive; and
• Engage in an interactive process each semester to determine accommodations.

Faculty

Faculty members have the right to:
• Maintain academic standards for courses;
• Determine course content and how it will be taught;
• Confirm a student's request for accommodations and ask for clarification about a specific accommodation with DSS;
• Deny a request for an accommodation – if the student has not been approved for such an accommodation;
• Award grades appropriate to the level of the student's demonstration of mastery of the material; and
• Fail a student who does not perform to passing standards.

Faculty members have the responsibility to:
• Refer students to DSS when necessary;
• Provide approved accommodations and academic adjustments to students who have documented disabilities in a timely manner;
• Maintain confidentiality of records concerning students with disabilities except when disclosure is required by law or authorized by the student;
• Provide handouts, videos, and other course materials in accessible formats as approved in accommodations; and
• Evaluate students based on their abilities rather than their disabilities.

Failure to provide an approved accommodation or failure to consider a reasonable accommodation request may constitute discrimination and may lead to disciplinary action (see UND’s Discrimination and Harassment Policy in Related Information). Complaints about failure to provide accommodations to students can be discussed with DSS staff and/or filed through the incident report form (see Forms) or by contacting the Equal Opportunity & Title IX Office (see Contacts).

Disability Services for Students (DSS)

DSS has the right to:
• Engage in an interactive process with a student to discuss their functional limitations and academic barriers;
• Request additional supporting documentation;
• Determine reasonable accommodations;
• Consult with faculty and other experts, as needed; and
• Deny accommodation requests, as appropriate under the law.

DSS has the responsibility to:
• Operate in good faith to determine reasonable accommodations;
• Discuss the rational for accommodations or denial of accommodations with the student;
• Maintain confidentiality of records concerning students with disabilities except when disclosure is
required by law or authorized by the student;
• Provide a verification document to the student following the interactive process determining reasonable accommodations each semester;
• Provide consultation to faculty to implement the accommodation;
• Problem solve with faculty and students in good faith to remove or reduce barriers in the academic environment;
• Consult with the ADA coordinator, as necessary; and
• Consult with other resources, as necessary.

**Funding of Reasonable Accommodations**

In many instances, reasonable accommodations can be arranged quickly and with little or no cost. The University recognizes, however, that in some instances, accommodations may require one-time or on-going funding.

If adaptive equipment is purchased for a qualified individual with a disability, the equipment remains the property of the University and may be used to accommodate other individuals in the future.

If a student is approved for textbooks in an alternate format (e-text, audio books, etc.) the student should purchase the textbooks, if available in that format for the same or lesser price. If the alternate format costs more, the student is responsible for purchasing the textbook, providing a receipt to DSS, and DSS will purchase the alternative format and provide to the student.

**Privacy**

All information pertaining to an accommodation request will be shared only on a need-to-know basis during the interactive accommodation process. DSS may share certain information with faculty or University official(s) as necessary to make appropriate determinations on an accommodation request.

Other disclosures of medical information and/or disability are permitted only as follows:

• Faculty are entitled to any information that is necessary to implement and provide reasonable accommodation;
• First aid and safety personnel may be informed, when appropriate if the disability might require emergency treatment or assistance during an evacuation; and
• Government officials may be given information necessary to investigate UND’s compliance with the Rehabilitation Act or the Americans with Disabilities Act.

**RESPONSIBILITIES**

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<thead>
<tr>
<th>DSS</th>
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<tbody>
<tr>
<td>• Receive and review requests for student academic accommodations</td>
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<td>• Engage in an interactive process with students to determine reasonable accommodations</td>
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<td>• Provide guidance for students, faculty and staff related to implementation of reasonable accommodations</td>
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<th>DSS Access Coordinators</th>
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<tr>
<td>• Ensure University compliance with the ADA</td>
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<tr>
<td>• Assist in facilitating accommodations for students in University programs, services, and activities.</td>
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<table>
<thead>
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<tr>
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</table>
• Hear appeals from students regarding their accommodation request
• Provide guidance for students, faculty and staff related to implementation of reasonable accommodation

Faculty
• Ensure University compliance with the ADA
• Assist in facilitating accommodations for students in University programs, services, and activities.

Employees
• Ensure University compliance with the ADA
• Assist in facilitating accommodations for students in University programs, services, and activities.

Students
• Apply for disability accommodations with DSS.
• Provide supporting documentation as necessary.
• Engage in an interactive process with DSS regarding the disability and access needs.
• Communicate with faculty regarding your needs and approved accommodations each semester, or as accommodations were approved by DSS.
• Consult with DSS as issues or concerns arise.

**FORMS**

DSS Application  [https://UND.edu/student-life/disability-services/](https://UND.edu/student-life/disability-services/)


Incident Report Form  [https://campus.UND.edu/equal-opportunity/discrimination-harassment.html](https://campus.UND.edu/equal-opportunity/discrimination-harassment.html)

**APPENDICES**

There are no appendices associated with this policy.

**Approval Signatures**

<table>
<thead>
<tr>
<th>Step Description</th>
<th>Approver</th>
<th>Date</th>
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<tbody>
<tr>
<td>Campus Comment</td>
<td>Jennifer Rogers: Policy Office</td>
<td>Pending</td>
</tr>
<tr>
<td>Executive Council (1st Reading)</td>
<td>Jennifer Rogers: Policy Office</td>
<td>05/2022</td>
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<tr>
<td>Policy Advisory Group</td>
<td>Jennifer Rogers: Policy Office</td>
<td>05/2022</td>
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<tr>
<td>Policy Office</td>
<td>Jennifer Rogers: Policy Office</td>
<td>05/2022</td>
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<tr>
<td></td>
<td>Sara Kaiser: Asst Director OSRR</td>
<td>05/2022</td>
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