



Handbook of Operating Procedures

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Originally Approved: 11/20/1995
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POLICY CONCERNING ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES

A. Purpose

The purpose of this policy is to set out The University of Texas-Pan American policy concerning accommodations for individuals with disabilities and provide for the prompt and equitable resolution of complaints alleging violations of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, including complaints regarding a refusal to provide requested accommodations and auxiliary aids or services and programs that are perceived to be inaccessible.

B. Persons Affected

This policy applies to students, staff, faculty, job applicants, applicants for admission, visitors and other beneficiaries of the programs, services and activities of The University of Texas-Pan American.

C. Policy

The policy of The University of Texas-Pan American is that UTPA is committed to providing services, equipment, and accommodations to individuals with documented disabilities in order to provide them with equal opportunities to participate in programs, services, and activities in compliance with Sections 503 and 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act (ADA) of 1990.

1. Accommodation - Applicants and Employees

- a. Applicants for employment can initiate a request for accommodation by contacting the Office of Human Resources, the department in which they will be interviewing, or the chair of the search committee. A chair of a department or of a search committee will immediately notify the Director of Human Resources or the ADA Coordinator so that the official processing of the request can begin.
- b. Any employee can initiate a request for accommodations by notifying, in writing, their immediate supervisor, the Director of Human Resources, or the ADA Coordinator, as soon as practical and inform him/her of the nature of the disability and the accommodation being requested. Individuals will be required to provide a medical statement which contains a diagnosis, prognosis, and a description of the specific impairment(s), the major life functions or activities affected by the impairment and the degree of limitation to those functions and activities caused by the impairment. Individuals may be asked to submit additional medical



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information if the information previously provided is incomplete, unclear, or inconsistent. If the individual does not provide the required documentation and information within 30 days, the request for accommodation will be cancelled for lack of necessary information.

- c. The Director of Human Resources or supervisor receiving a request shall immediately report the request to the ADA Coordinator.
 - d. The Director of Human Resources or a designee, in consultation with the ADA Coordinator will analyze the request and confer with the employee and the supervisor to ascertain the employee's requirements and input on a reasonable accommodation.
 - e. Final determination of the approval or denial of the request for accommodation will be the joint responsibility of the Director of Human Resources and the Supervisor/Chair of the Department.
2. Accommodation - Visitors and Beneficiaries of Programs, Services, and Activities
- a. Visitors and beneficiaries of programs, services, and activities can initiate a request for accommodation by contacting the department hosting the event, program, or activity. A designee of the event, service, or activity will immediately notify the ADA Coordinator so that the official processing of the request can begin.
 - b. Individuals may be required to provide a medical statement which contains a diagnosis, prognosis, and a description of the specific impairment(s), the major life functions or activities affected by the impairment. Individuals may be asked to submit additional medical information, if the information previously provided is incomplete, unclear or inconsistent. If the individual does not provide the required documentation and information within a reasonable period of time prior to the event, service, or activity, the request for accommodation will be cancelled for lack of necessary information.
 - c. Final determination of the approval or denial of the request for accommodation will be the responsibility of the event, service, or activity coordinator.
3. Accommodation - Students



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- a. Students requesting eligibility for accommodation and services can initiate a request for an accommodation by contacting the Coordinator of the Office of Services for Persons with Disabilities (OSPD). Individuals will be required to provide a medical statement which contains a diagnosis, prognosis, and a description of the specific impairment(s), the major life functions or activities affected by the impairment and the degree of limitation to those functions and activities caused by the impairment. Individuals may be asked to submit additional medical information if the information previously provided is incomplete, unclear or inconsistent. If the individual does not provide the required documentation and information within 30 days, the request for accommodation will be cancelled for lack of necessary information.
 - b. Final determination of the approval or denial of the request for accommodation will be the responsibility of the Coordinator of Services for Persons with Disabilities (OSPD).
4. Confidentiality

All offices and individuals responsible for reviewing and analyzing the request will maintain the confidentiality of all medical and ADA information. Records and information obtained on employees as part of the accommodation request will be kept in the Office of Human Resources in separate files and such records shall be shared with only those University employees who have a need to know in order to implement the accommodation request and shall not be released except as required by law.

5. Independent Medical Opinion

The University may, at University expense, request an independent medical opinion concerning the impairment for which an employee seeks an accommodation. The failure of an employee or student to cooperate in obtaining such an opinion will result in the cancellation of the request for accommodation.

6. Notices

- a. Faculty shall include the following statement in syllabi handouts and announce the procedure in class at the first or second meeting of the course:

If you have a documented disability which will make it difficult for you to carry out the work as I have outlined and/or if you need special accommodations/assistance due to the disability, please contact the Office of Services for Persons with



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Disabilities (OSPD), Emilia Ramirez-Schunior Hall Room 1.101 immediately. Appropriate arrangements/accommodations can be arranged.

Verification of disability and processing for special services, such as note takers, extended time, separate accommodations for testing, is required and will be determined by OSPD. Consult with the OSPD Coordinator at (956) 316-7005.

b. General

Signs advertising an event must contain the contact information requesting special accommodations in accordance with the Americans with Disabilities Act. (See [Handbook of Operating Procedures Section 5.6.2 Policy on Free Speech, Expression, & Assembly Subsection D.5.a.7](#)).

D. Definitions

1. *Individual with a disability.* A person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.
2. *Qualified individual.* A disability is defined as an individual who possesses the requisite skills, education, experience, knowledge, and other job requirements, and who can, with or without reasonable accommodations, perform the essential functions of the job the individual desires or holds.
3. *Substantial limitation.* An impairment that prevents the performance of a major life activity that the average person in the general population can perform; or 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. Measures that correct or mitigate a physical or mental impairment, and the effects of those measures, shall be considered in determining whether an individual is substantially limited in a major life activity.
4. *Reasonable accommodation.* A modification or adjustment to a process or the work environment that enables a qualified person with a disability to be considered for a position, to perform the essential functions of a job or to enjoy the same benefits and privileges of employment or learning as are enjoyed by similarly situated individuals without disabilities.



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Reasonable accommodations will be made unless the University or management can demonstrate that doing so would cause an undue hardship for the agency. Undue hardship shall conform to definitions provided by the Courts, the Americans with Disabilities Act, and the Texas Commission on Human Rights Act. In determining whether an accommodation would impose an undue hardship, factors to be considered include, but are not limited to, the nature and cost of the accommodation, financial considerations, the impact of the accommodation upon the nature and operation of the department, how the request affects the health and safety of other employees or students and whether the accommodation would result in lowering academic standards or requiring substantial program alteration.

E. Responsibilities

Not applicable.

F. Procedures

1. Complaint Procedures for Faculty, Staff, Visitors, or Applicants for Employment
 - a. Step 1 -- Filing
 - i. Faculty, staff, visitors, or applicants for employment with complaints against UTPA alleging discrimination on the basis of disability shall provide complaints in writing to The University of Texas-Pan American, ADA Coordinator, 1201 W. University Drive, Edinburg, TX 78539, (956) 381-2100. The complaint shall be made as soon as possible after the action complained of occurs, but in no case later than ten working days after such occurrence. The deadline for bringing a complaint can be waived for good cause as determined by the ADA Coordinator. A complaint must contain the name and address of the person filing it, a brief description of the alleged violation, and any documents supporting the complaint.
 - ii. The ADA Coordinator shall investigate the complaint. A written statement containing the determination and/or a suggested resolution shall be sent to the complainant within fifteen working days of receipt of the complaint.
 - iii. The ADA Coordinator shall maintain all records related to the complaint.



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- b. Step 2 -- Appeal
 - i. Faculty and Faculty Candidates

If the complainant is not satisfied with the decision of the ADA Coordinator, a written appeal stating why the decision is incorrect may be made to the Provost/Vice President for Academic Affairs within ten working days of the receipt of the determination statement from the ADA Coordinator.
 - ii. Staff, Administrative Employees or Job Applicants

If the complainant is not satisfied with the decision of the ADA Coordinator, a written appeal stating why the decision is incorrect may be made to the Vice President for Business Affairs within ten working days of the receipt of the determination statement from the ADA Coordinator.
 - iii. Review by Vice President

All written appeals must contain the name and address of the person filing it and a description of the reason for appeal.

The respective Vice President shall review the determination of the ADA Coordinator and send a written decision to the appellant within a reasonable time, not to exceed thirty working days from the date of receipt. The Vice President can extend the response time (not to exceed ten working days) by notifying the appellant in writing.
 - iv. The decision of the Vice President shall be final.
- 2. Complaint Procedures for Students, Applicants for Admission, or Other Beneficiaries of UTPA Programs or Activities
 - a. Step 1 -- Filing
 - i. Students, applicants for admission, or persons attending or participating in programs or activities of UTPA with complaints alleging violations of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 shall file complaints in writing with the ADA Coordinator or a designee. A complaint shall contain the name and address



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of the person filing the complaint, a brief description of the alleged violation, and documents supporting the complaint. The ADA Coordinator will assist persons with disabilities in filing their complaint.

- ii. Complaints must be filed within thirty calendar days after the complainant becomes aware of the alleged violation.
- iii. The ADA Coordinator, or a designee, will appropriately investigate the complaint. This procedure is informal and will afford interested persons an opportunity to submit evidence relevant to the complaint.
- iv. The ADA Coordinator shall issue a written determination regarding the complaint within a reasonable time after receipt of the complaint. The Coordinator shall forward a copy to the complainant.
- v. The ADA Coordinator shall maintain the files and records related to the complaint.

b. Step 2 -- Appeal

- i. If the complainant is not satisfied with the decision of the ADA Coordinator, a written appeal stating why the decision is incorrect may be made to the Vice President for Enrollment and Student Services within ten working days of the receipt of the determination statement from the ADA Coordinator. The appeal must contain the name and address of the person filing it and a description of the reason for the appeal. The Vice President shall review the determination of the ADA Coordinator and send a written decision to the appellant within a reasonable time, not to exceed thirty working days from the date of receipt.

The Vice President can extend the response time (not to exceed ten working days) by notifying the appellant in writing.

- ii. The decision of the Vice President shall be final as to the grievance process.

3. Failure to Proceed With or Process a Grievance

Failure of a complainant to process his or her grievance to the next step within the specified time limit shall constitute abandonment of the complaint, unless an extension



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has been approved. Failure of University personnel to give an answer within the prescribed time limit, unless an extension has been previously granted, authorizes the complainant to process his or her complaint to the next step.

G. Review

The Divisional Head for this policy is the President and this policy shall be reviewed every five years or sooner if necessary by the following Stakeholders:

1. ADA Coordinator – Senior Reviewer
2. Vice President for Enrollment and Student Services
3. Vice President for Business Affairs
4. EE/OA Committee
5. Associate Director Office of Services for Persons with Disabilities
6. Staff Senate Chair
7. Faculty Senate Chair
8. Council of Deans