Accessibility and Reasonable Accommodation for Individuals with Disabilities--Interim

Policy Type: Administrative
Responsible Office: Institutional Equity, Effectiveness & Success
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Policy Statement and Purpose

Virginia Commonwealth University (“VCU”) will ensure that its services, programs, and activities, including information, digital technologies, and resources, are accessible by providing reasonable accommodations to qualified individuals with disabilities. This policy sets forth provisions for VCU’s compliance with relevant state and federal law and guidance, including the Americans with Disabilities and the Americans with Disabilities Act Amendments Act of 2008, both commonly referred to in this document as (“ADA”) and Sections 503, 504, and 508 of the Rehabilitation Act of 1973 (herein referenced as “Rehab Act”) and details the accommodation and grievance procedures. It also provides guidance to employees, students, and visitors about their rights and responsibilities regarding accessibility and reasonable accommodation.

Qualified individuals with disabilities are held to the same standards of conduct, job performance, and academic standards as other employees, students or visitors.

VCU supports an environment free from retaliation. Retaliation against any student, employee, visitor or third party who brings forth a good faith concern, asks a clarifying question, participates in an investigation, or brings forward a grievance under this policy is prohibited. Noncompliance by employees may result in disciplinary action up to and including termination under the Expectations of Ethical Conduct Policy and/or the Working at VCU Great Place HR Policy. Noncompliance by students may result in actions under the Student Code of Conduct. Noncompliance by visitors and third parties may result in or restrictions from university events, contract dismissal, or other actions deemed appropriate by the university.

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Who Should Know This Policy

All VCU employees and students are responsible for knowing this policy and familiarizing themselves with its contents and provisions as they apply to individuals with disabilities.

Definitions

Accessible

[A] person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use. The person with a disability must be able to obtain the information as fully, equally, and independently as a person without a disability.

Accommodation (“Reasonable Accommodation”)

An action, modification, or adjustment necessary to provide an individual with a disability access to the university’s services, programs and activities that does not impose an undue hardship on the university. With regard to employees, such an accommodation may be a change in the work environment or in the way a job is performed that enables a person with a disability to enjoy equal employment opportunities. For a student, accommodations are adjustments that remove barriers and create equal access to programs, activities, or the learning platforms.

Advocate

For the purpose of this policy only, an ADA Advocate is a specifically ADA content trained, certified professional who may accompany an individual with a disability in all case related contacts and may speak for and/or represent the individual as related to their request for accommodation or processes related therein.

Employee Accommodation Agreement

Defines specific accommodation(s) provided to a qualified employee with a disability. The Accommodation Agreement is signed by the individual employee requesting the accommodation, the employer/Supervisor responsible for ensuring full implementation of the specified accommodation(s), and the Human Resource Professional assigned to the unit.

ADA/504 Coordinator

The employee in the Office of Institutional Equity, Effectiveness & Success designated to coordinate the development and implementation of VCU policies and procedures relating to individuals with disabilities in accordance with state and federal laws. The ADA/504 Coordinator may delegate or assign responsibilities to a trained designee.
Disability
A documented 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.

Documentation
Those documents and reports that are required to be presented to the university by the individual requesting an accommodation or individual’s representative before any accommodation will be provided. Documentation consists of official written communications from a relevant qualified treating health professional (such as a physician, surgeon, psychiatrist, or physical therapist). In this document, the qualified professional may also make suggestions or recommendations regarding the necessary accommodations.

Electronic and Information Technology (EIT)
Technology, including websites, online learning environments, course management systems and assistive or adaptive technologies.

Employee
For the purpose of this policy, any person (faculty and/or staff) with a direct employment relationship with VCU, including those who work on a part-time or temporary basis. An individual can hold a status as both a student and employee. Cases arising under this policy will be addressed consistent with the role principally held by such individuals in the relevant context.

Essential Function
A task, duty, or responsibility that is fundamental (not marginal) to the purpose of the job, the class, or the activity.

Impairment
A functional limitation related to one or more major life activities include, but are not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working.

Informal Solution
Informal Solutions provide a means to address employee as well as student concerns related to the applications of accommodations. Informal solutions may facilitate agreements within the scope of this policy which are adopted to rapidly address accommodation and accessibility-related concerns. Informal Solutions may, for example, modify pre-existing accommodations without changing their nature, scope, effect, or purpose.

Major Life Activity/Bodily Functions
Activities including, but not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working and major bodily functions, which include functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.
Student
The term “Student” includes all persons taking courses through VCU, either full-time or part-time, on-line or in-person, single or dual enrolled, pursuing undergraduate, graduate or professional studies. “Student” also includes all persons who withdraw after allegedly violating the Student Code of Conduct, persons who are not enrolled officially for a particular term but who have not officially withdrawn from the university, persons who have been notified of their acceptance for admissions, and persons living in VCU residence halls regardless of course enrollment.

Student Accommodation Letter
Describes specific academic accommodation(s) for a student who has registered with Student Accessibility and Educational Opportunity or with the Division of Academic Success.

Supervisor
For purposes of this policy, a person who has authority to undertake or recommend tangible employment decisions (e.g., hiring, firing, and promoting) affecting an employee.

Support Person
For purposes of this policy, a person who has been requested to be present by the individual with a disability for the sole purpose of providing emotional support. Such support persons may include an attendant/aide, colleague, family member, friend or other identified person able to support the individual with a disability. The role of the support person will be to offer support directly to the employee rather than speak for or otherwise make decisions for or advocate for the employee. The support person does not represent nor speak for the individual seeking accommodations. This support person is involved only in meetings relevant to discussion about accommodations.

Third Party
Any individual who is not a VCU student, faculty member or staff member (including contractors, vendors, ticket holders, invited guests, alumni/ae or local residents). Third party includes visitors as defined below.

Visitor
An individual attending an event sponsored by the university, visiting university-controlled property, or accessing university EIT who is not a student, faculty member or staff member.

Contacts
The Office of Institutional Equity, Effectiveness & Success (“IES”) officially interprets this policy. IES is responsible for obtaining approval for any revisions as required by the policy Creating and Maintaining Policies and Procedures through the appropriate governance structures. Please direct policy questions to the ADA/504 Coordinator:

Crystal C. Coombes
University Accessibility Administrator
Serving as the ADA/Section 504 Coordinator
(804) 828-8532
cccoombes@vcu.edu
Policy Specifics and Procedures

These required procedures support compliance with applicable federal and state laws and regulations. The ADA/504 Coordinator within IES is responsible for implementation of the policy specifics and procedures.

Employees specifically should understand that during the application process and hiring process, an employee may have completed forms and annotated that they have a disability. These forms are specific to data collection required by federal and state regulations and are not considered an official notice of need or request for accommodation by the university. VCU encourages employees who wish to disclose a disability or condition AND also seek reasonable accommodations to do so via the established process described within Section 4 - A of this policy.

New students specifically should understand that a disclosure of a disability by a parent, guardian or authorized third party during the application process does not constitute a formal request for accommodation. VCU encourages new students who wish to disclose AND also seek reasonable accommodation to do so via the established process described within Section 4 – B of this policy.

1. **Accessibility**
   VCU will operate each service, program or activity so that, when viewed in its entirety, each is accessible to and usable by individuals with disabilities.

   To facilitate prompt response to an identified accessibility concern, students, employees, visitors and third parties should complete the Online Accessibility Concern Form and/or directly contact the ADA/504 Coordinator:

   - **Email**: ADAservices@vcu.edu
   - **Phone**: (804) 828-1347
   - **Website**: Equity.vcu.edu/ada/
   - **Address**: Moseley House, 1001 Grove Avenue
     Box 842549
     Richmond, VA 23284

   To support its commitment to providing equal access to its programs and activities, VCU will implement appropriate accessibility standards for the procurement, development, and maintenance of university Electronic and Information Technology (“EIT”) and user support services for individuals with disabilities. All university EIT is expected to comply with the VCU Web Standards & Guidelines. Captioning of videos and other media is required as set forth in the Captioning standard.

2. **Interactive Process**
   Individual requestors should recognize that accommodations under the ADA activate a collaborative process with the intent of ensuring equal access. As such, accommodations frequently represent a compromise between competing components present in any particular case. For example, if an employee cannot climb stairs, an accommodation agreement may detail that their office is to be
relocated to an accessible area instead of requiring the installation of an elevator or if a student is unable to take notes, a note taker may be assigned rather than being granted permission to record lectures. Such compromises are considered a reasonable alternative.

The individual requestor and responsible university staff are expected to engage in a cooperative and interactive process with the goal of reaching a timely agreement regarding reasonable accommodations. Through the interactive process, the university and the individual requestor will: 1. Discuss the condition or disability and its impact on the individual; 2. Review the context in which the accommodation is requested (work, academic, visitor); 3. Consider the information obtained by the individual requestor from a qualified professional who a) is familiar with the individual requestor’s disability or condition, b) has a history of treating the individual requestor for the condition or disability noted, and c) can therefore make informed recommendations regarding the type of reasonable accommodations that may be considered by the university; and, 4. Identify and formalize reasonable accommodations or alternatives.

NOTE: If necessary to assess reasonable accommodations or clarify information received, the university may ask the individual requesting an accommodation to provide a release of information so that the university may contact their listed qualified treatment provider.

3. Confidentiality
Communication among VCU employees regarding any request for accommodations and support services for individuals with disabilities should focus on the nature of the accommodations provided. Beyond initial assessment the nature of the disability or related personal or medical information must not be disclosed without the express permission, provided verbally or in writing, from the individual with the disability. An exception may be made only in very rare instances, such as a medical emergency, in which the individual is unable to communicate their disability and which jeopardizes their health and safety.

VCU will take reasonable measures to protect sensitive information and documentation related to an individual’s disability record in accordance with applicable law. Employees and visitors are encouraged to provide such information only and directly to the ADA/504 Coordinator. Students are encouraged to provide such information only and directly to the responsible support services office, the Office of Student Accessibility and Educational Opportunity (“SAEO”) on the Monroe Park Campus, or the Division for Academic Success (“DAS”) on the Health Sciences Campus, respectively.

Records of such information are reviewed and maintained under the current Records Management Policy of the university, and accordingly are maintained for defined periods within that policy per state and federal guidelines.

4. Requesting Accommodation
It is the responsibility of the individual with a disability or condition to request an accommodation from the university, to provide documentation of the disability, to the extent necessary, and participate in the interactive process. Requests for accommodation should be made as early as possible to allow time to assess the request and provide reasonable accommodation(s).

An individual seeking accommodations may invite another individual to be a support person for them during the interactive process or during any phase of this policy. Such support persons may include
an attendant/aide, colleague, family member, friend or other identified person able to support the individual with a disability. The role of the support person will be to offer support directly to the employee or student rather than speak for or otherwise make decisions for or advocate for the employee or student. In this capacity the support person may be viewed as an accommodation. Employees or students who wish to have a support person accompany them during any phase of this policy may do so by simply notifying the ADA/504 Coordinator.

In cases in which the employee or student wishes to be accompanied by an advocate or attorney, they must, within 72 hours of a scheduled meeting, provide the university with written notice identifying the advocate or attorney.

The university will determine which requested accommodations are reasonable by assessing the individual requestor's needs, their role within the university, and the accommodations requested.

A. Employees requesting accommodations under this policy should contact the ADA/504 Coordinator directly.

Supervisors or Human Resource Professionals ("HRPs") who receive verbal or written disability accommodation requests from employees must immediately consult with the ADA/504 Coordinator and refer the requestor to the ADA/504 Coordinator. Supervisors and HRPs must not define what is or is not sufficient documentation or propose/identify reasonable accommodations without consulting the ADA/504 Coordinator. A request from the employee can be initiated orally, by sign language interpreter, or in writing.

Summary of Process:
1. Employee initiates contact with the ADA office and attends an Information Session to review policy, process, and determine their preliminary qualification for accommodations;
2. A review of the employee’s needs relevant to ADA/504 will occur with input from unit manager, qualified treatment provider, and the employee;
3. The employee will work directly with the ADA/504 Coordinator to determine reasonable accommodations;
4. A draft Accommodation Agreement will be developed for review and sign off by the employee, their supervisor/manager, and the HRP assigned to the unit;
5. Accommodations will be implemented;
6. Case management interactive process will occur with contact with the employee, their manager, and HRP accordingly and in regular intervals; and,
7. Updates, amendments, or revisions of accommodations may occur at any time, depending on any change in the disability and condition or assigned essential duties.

IF EMPLOYEE’S INITIAL REQUEST IS REJECTED:
The employee is encouraged to enter into discussion directly with the ADA/504 Coordinator. Often, with clarification, a solution may be obtained. In such cases, the ADA/504 Coordinator will detail the reason for the denial as well as what might be done to resolve the denial and may include request for additional information or obtaining permission to directly contact the qualified treatment provider who provided medical or other documentation. In such cases, it is the employee’s right to comply or to provide a
release of information or not for the ADA/504 Coordinator to do so. Timely action by the employee can result in timely resolution of the denial status.

In instances in which such denial cannot be resolved and in which an employee wishes to name the ADA/504 Coordinator in a formal complaint alleging denial of accommodation or access as discrimination, the employee may proceed directly to Section 7.03 of this policy.

B. Students requesting accommodations under this policy should consult the student support services office on their campus, SAEO (the Office of Student Accessibility and Educational Opportunity) on the Monroe Park Campus, or DAS (Division for Academic Success) on the Health Sciences Campus. SAEO or DAS provide detailed guidelines on their websites that define the student accommodation process.

Students must complete the student accommodation process in order to receive accommodations. Prospective/accepted students may begin this process prior to their first semester. An interactive process will begin between the student and SAEO or DAS. Once issued from either SAEO or DAS, students should provide their Student Accommodation Letter directly to the faculty member for each course in which accommodations are requested. Students are encouraged to discuss, to the extent necessary, their accommodation needs and to develop a clear understanding of how each accommodation will be implemented by the faculty member. Students are invited to immediately contact SAEO or DAS should questions arise or should there be concerns about the implementation of the documented accommodations.

Faculty who receive verbal or written requests from a student for disability accommodations must promptly refer the student directly to the support services office for their campus. Faculty must not request or define acceptable documentation or propose/identify reasonable accommodations without consulting that office.

Information for faculty and administrators is available on both the SAEO and DAS website as well as the IES website at equity.vcu.edu or accessibility.vcu.edu. Faculty may also contact the ADA/504 Coordinator directly to request and schedule a consultation.

Summary of Process:
1. Students, including accepted students who are not yet enrolled and prospective students should contact the student support office assigned to their campus, either SAEO (Monroe Park Campus) or DAS (Health Campus), and register by completing the appropriate intake form for SAEO and DAS submitting their request for academic accommodation;
2. Students or prospective students should provide documentation of their disability. Documentation must be supplied by an appropriately licensed professional, be recent enough to inform the university of the current status of the student’s disability or condition, and follow certain criteria, as provided in the Documentation Guidelines. The provider may use their own format or may use one of the forms designated for a specific disability or condition to document the student’s disability or condition;
3. Once proper documentation and intake paperwork are received, SAEO or DAS will
review the materials to determine eligibility for services and supports;
4. Following the review, the student will be contacted by a staff member at SAEO or DAS either to schedule an intake meeting or to request additional information;
5. During the intake meeting, students can expect an open and interactive dialogue related to their intake form, documentation, and past and current educational experiences. Intake meetings also serve as an opportunity to discuss student rights and responsibilities, as well as SAEO or DAS procedures. Intake meetings are a chance for students to further clarify their needs and concerns, as well as familiarize themselves with the SAEO or DAS staff, procedures, and facility;
6. Completion of the intake meeting generally results in a formal accommodation and support plan for the student;
7. From the plan, the Student Accommodation Letter is developed each term and is based on the individual student’s courses and related reasonable accommodations; and,
8. Student presents Student Accommodation Letter to each faculty member for each course and enters into dialogue with the faculty member as needed to facilitate implementation of the accommodations. Faculty are required to maintain confidentiality regarding the student's accommodation status.

IF STUDENT'S INITIAL REQUEST IS REJECTED:
The student should enter into discussion with the Director of the respective office, SAEO or DAS, to determine if additional information would support a change in decision. This often remedies the cause of the rejection and supports movement toward accommodations.

If the student is not satisfied with the resolution by the Director of SAEO or DAS, they may appeal the determination of SAEO or DAS directly to the ADA/504 Coordinator. The written appeal should:

- Detail why the student believes the requested accommodation is needed and how the denial would impact their academic access or access to programs, activities, and facilities
- Summarize the original request
- Detail actions taken to date
- Include any supporting information

The ADA/504 Coordinator will review the information submitted and may gather additional information that may be relevant in their decision. If the student is unsure how to proceed, the student may request an appointment with the ADA/504 Coordinator to review their concerns as well as policy and procedure.

The determination by the ADA/504 Coordinator is the final decision of the university specific to whether a requested accommodation is reasonable. If a student believes that the university’s denial of a requested accommodation, as upheld by the ADA/504 Coordinator, is discrimination as described in the university’s Preventing and Responding to Discrimination Policy they may follow the procedures in that policy to report to IES.

C. Prospective students seeking accommodations for use during campus visits or interviews
should contact their academic program of interest for direction.

It is the responsibility of the academic program to ensure that reasonable accommodations are provided for any prospective student visiting or interviewing with the program. Department administrators are encouraged to consult with the ADA/504 Coordinator accordingly.

As per federal law and guidance, a student or third party (i.e. a parent) disclosure of a disability or request for accommodations does not impact an admission decision.

**D. Visitors** requesting accommodations may contact the VCU office or department responsible for the event, content, or program relevant to their request. They may also contact the ADA/504 Coordinator directly.

Any office or department receiving a request for an accommodation from a visitor must contact the ADA/504 Coordinator for assistance in assessing the request and must not deny a request for accommodation without first completing this consultation.

**E. Third Parties** requesting accommodations should do so through the VCU office or department under which the third party has business or a contractual obligation.

**5. Implementation of Accommodations**

In general, the costs associated with providing reasonable accommodations for employees and visitors are the responsibility of individual departments. Departments should consider that accommodations will be needed from time to time and should plan their operating budgets accordingly. All accommodation requests from employees or visitors must be channeled through the ADA/504 Coordinator before determining reasonability or eligibility for accommodation(s).

The costs for providing academic accommodations for students are provided through the operating budget of SAEO and DAS, which covers the cost for most student accommodations on their respective campus.

Third parties should consult their primary employer, who may then work with the VCU office or department under which the third party has business or a contractual obligation.

A department or office requesting that extraordinary costs for reasonable accommodation be the responsibility of a larger budgetary authority should contact the ADA/504 Coordinator for guidance.

The following employees or offices have responsibilities in implementing approved accommodations:

- Supervisors will ensure that accommodations, as determined by the ADA/504 Coordinator, are fully and effectively implemented
- Other identified services offices for students—for example: academic advising, financial aid, dining services, or housing—will interact with SAEO or DAS accordingly when a need arises and/or consult the ADA/504 Coordinator
- Instructional faculty will provide reasonable accommodations as described in Student Accommodation Letters and must consult with SAEO or DAS in a timely manner when questions or disagreements about student accommodations arise
• Departments (including Schools, Colleges, and support departments) will coordinate efforts to ensure accommodation and access during interview processes for students or employees. Departments shall consult SAEO or DAS regarding student applicant accommodations and Human Resources regarding applicants for employment.
• Human resources will provide assistance to applicants in completing online applications (via Human Resources), and may consult with the ADA/504 Coordinator as needed

6. Regular Review, Case Management and Continued Accommodation
The ADA/504 Coordinator, through ongoing case management, may conduct reviews of employee accommodations on an as-needed basis. These reviews will determine whether updated documentation is needed and ensure accommodations remain appropriate and sufficient. An employee or supervisor may also request such a review. A change in condition, position, status, or assigned supervisor may also lead to a review. Once an employee has an Accommodation Agreement, ongoing contact via this interactive case management process will occur for as long as the employee is in active employment status or there is an accommodation need.

The SAEO and/or DAS office, through ongoing case management with students receiving accommodations may conduct reviews to amend or update an accommodation request before the start of each semester or more often if a change in accommodation is necessary. Accommodations, as a matter of federal regulation are generally not retroactive; however, a review of such requests may occur on a case-by-case basis.

7. Grievance Procedures
The procedures set forth below address concerns regarding accommodations based on the reporter’s affiliation with the university (for example, employee or student) as well as the type of concern (accommodation, accessibility, grievance, and/or discrimination).

7.01 Employee Accommodation and Accessibility Grievance Procedure
VCU has developed a step-based grievance process to address accommodation concerns received from its employees. The ADA/504 Coordinator is available to review these processes and for assistance in the grievance process.

Step 1 - Initial Concern
Employees who are currently under an active Accommodation Agreement and who believe their Accommodation Agreement has not been implemented appropriately in their work environment are encouraged to enter discussion directly with their supervisor or manager and include their unit’s HRP when at all possible to resolve the concern. Should the employee not feel comfortable with this action, the employee may move to Step 2- Advocated Assistance as detailed below.

NOTE: In instances in which a change of condition has occurred that may warrant a review of current accommodations, the employee is encouraged to contact the ADA/504 Coordinator directly to revisit their Accommodation Agreement.

Step 2 - Advocated Assistance
To facilitate timely resolution of employee accommodation or access concerns, the employee should request assistance from the ADA/504 Coordinator in discussions with their supervisor or manager as soon as possible. The ADA/504 Coordinator will intervene in coordination with the
employee to effect resolution to the concern. The ADA/504 Coordinator will attempt to resolve the concern within ten (10) business days, but may extend this deadline, at their discretion, to resolve the concern as soon as reasonably feasible. The employee is welcome to identify a support person to accompany them in this process as per policy. Intervention of this type may take the form of consultation with the employee and manager, including the HRP or Human Resources, if appropriate. This process may involve a review of essential functions of the position or a work site analysis, allowing the ADA/504 Coordinator to address barriers to accommodation and access to resolve the employee’s concern. In most instances, concerns can be resolved at this step, leading to the appropriate implementation of accommodations and access for the employee.

Should the employee’s concern, specific only to the implementation of accommodations or access, not be resolved, the employee may move to Step 3, below.

Should the employee believe that factors in the alleged failure to accommodate are discriminatory, they may choose to proceed directly to Section 7.03 and file a complaint under the process defined in the Preventing and Responding to Discrimination Policy.

**Step 3 - Informal Solution**

In cases in which the employee’s accommodations are repeatedly denied or refused by either their manager or another employee of the university, the employee may seek an Informal Solution. This step fosters a more structured intervention process that involves the ADA/504 Coordinator working in tandem with the employee, their manager or manager’s supervisor, the HRP and may include Human Resources, Employee Relations to identify and resolve the employee’s concern. An Informal Solution may identify a solution or other remedy that adequately addresses the alleged denial or refusal to accommodation and supports equitable access to the employee.

The employee is encouraged to be available to hold a timely meeting with the ADA/504 Coordinator. Such meeting must be during work hours and should be on the clock, but may not disrupt normal business operations for the employee’s assigned unit.

During this meeting the ADA/504 Coordinator will gather relevant information from the employee about their concern to include who may be involved, what occurred, when and where such occurrences happened, and what solution is sought by the employee.

During this step, the ADA/504 Coordinator may also open an inquiry to gather relevant information from the unit or individuals and may speak with involved individuals in an effort to clarify related details and issues underlying the concern. As part of this step, the ADA/504 Coordinator would welcome and review any relevant related information submitted by all directly involved individuals specific to the concern.

This step will result in a review of the accommodations and may lead to: a) an affirmation of present accommodations; b) a revision of the accommodations; and/or c) the addition of accommodations to the Accommodation Agreement. Additionally, the step may result in changes in the work environment that ensure equal access.

Should the concern not be resolved by Step 3, the employee may choose to file a formal complaint by proceeding to Section 7.03 of this policy.
NOTE: If the concern involves or names the ADA/504 Coordinator specifically in any allegation, the employee may skip Step 3 and address their concern directly under Section 7.03 of the policy and may follow the process of submitting a compliant of discrimination defined under the Preventing and Responding to Discrimination Policy.

7.02 Student Disability Accommodation and Accessibility Grievance Procedure
VCU encourages students who believe they have been denied the implementation of reasonable accommodations or sufficient access to activities, programs and facilities to promptly address their concerns.

While, the ADA/504 Coordinator is available to provide guidance to students about these processes and for assistance in the grievance process, the student should contact the support services office (SAEO or DAS) on their campus to initiate the grievance procedure.

VCU encourages students to make a reasonable effort to first attempt to resolve the issue directly with that employee or office.

Step 1 - Initial Concern
Students who have been approved for accommodations, as documented in a Student Accommodation Letter, who are refused or denied academic accommodations by instructional faculty, by an employee, or an office at VCU are encouraged to self-advocate to resolve their concern. Students are encouraged to raise the concern as soon as possible with the party following the denial or refusal. Self-advocacy may include:

- Initiating dialogue with the party refusing accommodations to develop a shared understanding
- Provide written communication clearly articulating the concern and proposed resolution to the involved party

If the student feels they need support in this process, they may proceed at any time to Step 2- Advocated Assistance by contacting their case manager or learning specialist (who may also be a Coordinator or Director) in the respective support services office (SAEO or DAS).

If the concern involves actions taken by the SAEO or DAS office, to include the director(s) of the office, the student may skip to Step 3, with the ADA/504 Coordinator acting in the place of the Director.

If the concern involves the ADA/504 Coordinator, the student may proceed directly to Section 7.03 of this policy following the Preventing and Responding to Discrimination Policy by requesting an Intake and/or following guidelines to submit a formal complaint of discrimination.

Step 2 - Advocated Assistance
Advocated Assistance is an informal process that provides support for students who are seeking to resolve an accommodation or accessibility concern. Student must request this assistance. In most instances, concerns about accommodation and accessibility can be resolved in this manner:
1. Students should contact their assigned case manager or learning specialist in SAEO or DAS for guidance (in some cases, a student's assigned case manager or learning specialist may be the director);
2. The SAEO to DAS representative will address concerns within five (5) business days or as soon as is reasonably practical thereafter;
3. The representative will assist the student and facilitate discussions between the student and the other party or parties; and,
4. Students should make every reasonable effort to work with their SAEO or DAS representative so that a timely resolution may be achieved.

If such assistance does not resolve the concern related to accessibility or accommodation to the student's satisfaction, VCU encourages students to elevate their concerns to Step 3 – Informal Solution, below.

Step 3 - Informal Solution
Informal Solution is a method to address the accommodation or accessibility concern with the assistance of the director of the assigned office, either SAEO or DAS. This step is taken when the case manager or learning specialist is unable to assist the student toward resolution outlined in Step 2 or when the case manager or learning specialist or the office itself is the subject of the concern. If the case manager or learning specialist is also the director, SAEO or DAS may refer the student to the ADA/504 Coordinator, who may act or assign a designee to act, as the Director for completion of Step 3.

In limited situations involving time-sensitive deadlines and/or circumstances in which the director or their designee determines that an Informal Solution will be an ineffective means to resolve the concern (such as when there are repeated instances of refusal or denial by the same employee (staff or faculty member), and if the director believes it is in the best interest of the student to immediately elevate the concern to the ADA/504 Coordinator, the director may do so with the consent of the student. The concern will then follow procedures outlined in Step 4.

Step 3 is as follows:

1. The student must submit a written request using the Student Disability Accommodation and Accessibility Grievance Form
2. The director or their designee will address the concern within five (5) business days or as soon as is reasonably practical thereafter;
3. The student will meet with the director or their designee to ensure shared understanding of the student's concern;
4. The director or their designee may speak with involved parties in an effort to clarify and resolve the issue(s) underlying the concern; and,
5. The student may submit documents specifically and directly related to their concern such as emails, correspondence, and class materials from those who have information relevant to the specific concern.

If the director cannot resolve the concern via Informal Solution, the director will notify the student via VCU official university email. The notification will summarize the concerns as detailed by the student, actions taken to date to resolve the concern, and next steps available to the student.
The student may also proceed directly to Step 4 if they feel their concern is inadequately resolved via Informal Solution. Additionally, the student may exercise their right to proceed to section 7.03 of this Policy, submitting a formal complaint of discrimination under the Preventing and Responding to Discrimination Policy.

If the student believes they have been discriminated against during the grievance process or in attempting to obtain information about an accommodation, they may file a separate, formal complaint of discrimination under the Preventing and Responding to Discrimination Policy.

**Step 4 - Formal Grievance/504 Complaint**

Students may elevate their concern regarding a failure to accommodate to the ADA/504 Coordinator by submitting a formal written 504 complaint if:

• The director or their designee is unable to resolve the student’s concern in Steps 2 or 3;
• The student disagrees with the outcome of Step 3; or,
• If the director or the office in total (SAEO or DAS) is the subject of the concern.

The written complaint must, at minimum provide:

• A detailed account of the concern;
• The steps taken to date to address the concern; and,
• The remedy sought.

The complaint should also include any supporting documentation, such as:

• The Student Accommodation Letter;
• Course specific information;
• Communications between individuals involved; and,
• Other directly related information that details the incident of refusal or denial, specifically.

The ADA/504 Coordinator, or their designee, will:

1. Review the submitted material within ten (10) business days or as soon as is reasonably practical thereafter;
2. May contact the student and any involved individuals or units in an effort to clarify and resolve the complaint;
3. May initiate a formal review when deemed necessary to address allegations in the complaint;
4. Will provide all involved individuals with written notice of the complaint;
5. Will notify all involved individuals of the finding regarding the complaint though the university’s official email system within fifteen (15) business days of receipt of the complaint, or as soon as reasonably practical thereafter;
6. Update the student should there be any unexpected delays (for example, a scheduled university break or where a party may be unavailable);
7. Provide a Summary documenting expected resolutions, timeframes, and specific steps to implement remedies; and,
8. Forward information for review to the School, College or unit manager, Human Resources or the Provost’s Office for further consideration or actions.

It is the expectation of the university that all named individuals be available to participate in the
review process as it proceeds in a timely manner and will immediately implement and support the university’s recommendations to prevent and remedy any denial of reasonable accommodations.

The ADA/504 Coordinator may elevate the complaint if an allegation of discrimination based on disability is reported AND the student wishes to pursue formal action under Section 7.03 of this policy and file a complaint under the process defined in the Preventing and Responding to Discrimination Policy.

7.03 Complaints of Discrimination Based on Disability by Students, Employees & Visitors
A student, employee, or visitor alleging discriminatory harassment or other forms of discrimination based on disability (unrelated to access or accommodation) and all types of employee, student, and visitor disability discrimination should utilize the process outlined in the university’s Preventing and Responding to Discrimination Policy.

As a part of this process the ADA/504 Coordinator may:

- Advise the student, employee, visitor or third party of their rights regarding filing a complaint
- Elevate the concern via notice to the IES Director of Equal Opportunity
- Assist, upon request, in investigations under the Preventing and Responding to Discrimination policy (unless the ADA/504 coordinator is a named respondent or has rendered an opinion in Section 7.02; in that case the AVP supervising the ADA/504 Coordinator will act in this role)
- Recommend accommodations, if requested by the employee, student, visitor or third party, to support them during participation in the investigation of the complaint

Exclusions
Protection under this policy does not apply in the following circumstances:

a. Individuals with disabilities are not entitled to receive accommodations that would fundamentally alter or excuse meeting essential functions or adequate performance of a position/job, class/course/program, or activity.

b. Individuals with temporary, non-chronic impairments, medical conditions, illnesses, and injuries may not be covered under this policy. NOTE: For employees, temporary, non-chronic impairments may be addressed through Human Resources and could result in work adjustments, work restrictions, or job modifications, depending on the source of the impairment. In such cases, the employee should contact central Human Resources, Employee Relations. For students, SAEO or DAS may be assigned to work with the student to determine temporary or time-limited academic accommodation (in class, access to campus, housing). In some cases, the Dean of Students Office may work with student support services and/or academic services to address what may or may not be an option for the student to include but not limited to Medical Leave of Absence from the university for the term or other academic adjustments or time-limited accommodations.

c. Pregnancy alone is not considered a disability. However, complications arising during or as a result of pregnancy may constitute a disability that the university would accommodate under this policy. The university provides reasonable accommodation for pregnancy or childbirth as set forth in the Preventing and Responding to Discrimination Policy.

d. The university is not obliged to grant a specific requested accommodation if an alternative
reasonable accommodation gives the requestor equal opportunity and access.

e. Individuals who pose a direct threat to the safety and health of others are not protected under this Policy and are not entitled to receive accommodations.

f. Individuals who are not disabled, but who are regarded as having a disability, are not entitled to receive accommodations; however, the university prohibits discrimination based on perceived disabilities.

g. Use of illegal drugs and misuse of drugs or alcohol are not protected activities, and such activity will not be considered as an accommodation.

**Forms**

1. Campus Accessibility Concern Form
2. Employee Request for Accommodation Form
3. Medical Certification for Employee Accommodation Form
4. Discrimination Incident Reporting Form
5. Student Disability Accommodation and Accessibility Grievance Form

**Related Information**

**VCU Resources**

- ADA Services
- Discrimination/Harassment Complaint Process
- VCU Policy: Working at VCU Great Place HR Policy
- Parking & Transportation
- Student Intake Form
- Student Medical Verification Forms
- Support Services Offices for Students:
  - Monroe Park Campus – the Office of Student Accessibility and Educational Opportunity (SAEO)
  - VCU Health Campus – Division for Academic Success (DAS)
- Technology Services
- VCU Notice of Nondiscrimination
- VCU Web Standards & Guidelines
- VCU Policy: Preventing and Responding to Discrimination.

**External Resources**

- Facts about the ADA [https://www.eeoc.gov/eeoc/publications/fs-ada.cfm](https://www.eeoc.gov/eeoc/publications/fs-ada.cfm)
- Information and Technical Assistance on the ADA [https://www.ada.gov/](https://www.ada.gov/)
- [https://www.dol.gov/ofccp/regs/compliance/section503.htm](https://www.dol.gov/ofccp/regs/compliance/section503.htm)

**Revision History**
This policy supersedes the following archived policies:

<table>
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<tr>
<th>Date</th>
<th>Policy Description</th>
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<tbody>
<tr>
<td>June 06, 2016</td>
<td>Accessibility and Reasonable Accommodation for Individuals with Disabilities – Interim</td>
</tr>
<tr>
<td>October 06, 2016</td>
<td>Accessibility and Reasonable Accommodation for Individuals with Disabilities</td>
</tr>
<tr>
<td>March 15, 2017</td>
<td>Accessibility and Reasonable Accommodation for Individuals with Disabilities - Interim</td>
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<td>November 02, 2017</td>
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<tr>
<td>February 07, 2018</td>
<td>Accessibility and Reasonable Accommodation for Individuals with Disabilities [minor edits]</td>
</tr>
<tr>
<td>Scheduled June 14, 2021</td>
<td>Accessibility and Reasonable Accommodations for Individuals with Disabilities [technical edit]- Interim</td>
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FAQ

1. **What ADA compliance training and programs does VCU provide?**

   The ADA/504 Coordinator conducts ADA training and technical assistance workshops for VCU employees upon request and recommends priorities for achieving compliance with ADA. If you have questions about accessibility on campus, offering accommodation to employees, or want to know more about the Americans with Disabilities Act, the ADA/504 Coordinator is available for consultation.

2. **I am an employee and have been diagnosed with a disability. Do I have to tell my supervisor or the university?**

   No. You do not have to disclose your disability to your supervisor or the university. You need only disclose if you wish to receive accommodations. You must detail your disability, but only to the ADA/504 Coordinator if you require an accommodation to perform your job responsibilities. If you initially decide not to disclose a disability and then reconsider for any reason, including a worsened condition, you may notify the university at that time. If you choose not to disclose your condition, the university may not be aware of any possible accommodations that might be needed.

3. **I have received a Voluntary Survey of Disability Status disclosure form. Why does VCU need this information?**

   As a recipient of federal contract funding, VCU is required to provide the Voluntary Survey of Disability Status Disclosure form every five (5) years to allow all employees an opportunity to self-identify as an individual with a disability. Data from the survey is used for VCU’s affirmative action planning and is kept confidential. Disclosing that you have a disability on this form DOES NOT initiate the accommodation process.
4. I am an employee with a disability who has been receiving a workplace accommodation. My condition has changed, and I need different or additional accommodations in order to perform my responsibilities. What should I do?

If the accommodation provided by the university is not sufficient, contact the ADA/504 Coordinator for a re-evaluation of your accommodation needs. Depending on your circumstances, you may be asked to provide further documentation to support the need for different or additional accommodations.

5. I am a supervisor. An employee who reports to me notified me that they have a disability. What do I do?

Explain to the employee that the university has an ADA/504 Coordinator with whom they can explore reasonable accommodation for a disability as defined in this policy. You must notify the ADA/504 Coordinator of the disclosure AND of your referral of the employee via email. You must consider a request for accommodation as soon as it is made, irrespective of whether that request is made orally, in writing, or through a sign language interpreter, and confer with the ADA/504 Coordinator to determine an appropriate response. The university may not be required to provide the accommodation requested if it is not reasonable, meaning, for example, that it alters the essential functions of a position or causes an undue hardship on the university.

NOTE: It is important that you do not verbally or in written form agree to provide an accommodation until you have confirmed with the ADA/504 Coordinator that a requested accommodation is reasonable in the specific situation. It is a best practice to document the employee’s disclosure date, your referral, and the result.

6. I am a supervisor and have an employee who has been working remotely during a campus emergency. The employee notified me that they believe they need accommodations. The employee has not previously disclosed a disability. What do I do?

Often unprecedented circumstances result in newly acquired disabilities or conditions, and sometimes create extenuating circumstances. Take any request seriously.

Explain to the employee that the university has an ADA/504 Coordinator with whom they can explore reasonable accommodation for a disability as defined in this policy. You must notify the ADA/504 Coordinator of the disclosure AND of your referral of the employee via email. You must consider a request for accommodation as soon as it is made, irrespective of whether that request is made orally, in writing, or through a sign language interpreter, and confer with the ADA/504 Coordinator to determine an appropriate response.

NOTE: It is a best practice to document the employee’s disclosure date, your referral, and the result.

7. In an employment setting, may someone other than the individual with a disability request a reasonable accommodation on behalf of the individual?
Yes. A request may be made by someone other than the employee with the employee’s authorization (for example, a spouse for an employee who has had a stroke and relies on the spouse to act as their communicator). A representative of an employee with a disability should make the request directly to the ADA/504 Coordinator.

8. If I am an employee with a disability, may I bring a support person to assist me in the accommodation process?

Yes. You may bring a support person of your choice with you. If you choose to include a support person, simply notify the ADA/504 Coordinator.

9. What is the role of the support person?

A support person is a companion or other individual identified by an employee or student requesting accommodation under this policy who may accompany the employee or student to meetings and discussions specific only to the accommodation process and with the ADA/504 Coordinator or support office representative present. They may not speak on the behalf of or represent the employee or student requesting accommodation in any way. Their role is to be a supportive presence for the employee or student (for example: A parent, spouse, friend, roommate, or colleague). A support person is not credentialed, cannot represent or work on behalf of the requesting individual, and must not provide testimony for or modulate the interactions of the individual. A support person attends meetings strictly as a companion, not as a representative.

10. What is the role of an attendant/aide?

An attendant/aide may be a credentialed provider or care giver to the employee or student. Their role is provide specific personal care to the employee or student, and at times, may act to assist the employee or student in a particular way (for example: assistance with personal hygiene care, transportation or communication).

11. What is the role of an advocate?

An advocate is often a credentialed professional, usually employed by an outside agency, who works on the behalf of the employee or student requesting accommodation under this policy and who is authorized to do so via specific release of information from the employee or student with the university. The advocate is authorized, with consent of the employee or student, to advance the accommodation process, detailing the interests and needs of the employee or student.

12. What is the role of a person assigned to provide or serving as an accommodation, such as a sign language interpreter or individual who acts as the “hands, voice, sight” for a person with a disability?

The role of such an individual is as a “tool,” provided as a specific type of accommodation. They act as a voice, interpreter, or hands and sight for the person with the disability but are not expected to
complete the work of that person, either academic or assigned employment duties. For example, as an accommodation, a person acting as an accommodation tool may type for another employee but would not create original content, such as an analysis or research report. It is important to address the person with the disability directly, not their person acting as the interpreter, voice, hands, or sight for the person with the disability.

13. An employee’s doctor sent me a note saying the employee needs some special help at work because of a medical condition, but the doctor never said the employee needed a “reasonable accommodation.” Is this a request for accommodation?

Maybe. It is reasonable to believe that the term used by the physician is implying a change to the employee’s ability to perform their work duties. The employee should be referred directly to the ADA/504 Section Coordinator. See the section “Requesting Accommodation” in this Policy.

NOTE: Documentation alone does not constitute a request for accommodation; however, it does require additional follow up. Supervisors must consult the ADA/504 Coordinator. The ADA does not require an individual with a disability or a representative to use the words “reasonable accommodation” when making a request for accommodation under this policy.

14. I have identified an accessibility concern on campus and would like it to be resolved. Who can I talk to?

If a student, employee, or member of the public identifies a campus accessibility concern, they can access the Accessibility Concern Form or contact the ADA/504 Coordinator at: ADAservices@vcu.edu; phone: (804) 828-1347; address: 1001 Grove Avenue, Richmond, Virginia 23284.

15. I am a student and would like to request an academic accommodation. What should I do?

Students requesting accommodations should consult the support services office on their campus, the Office of Student Accessibility and Educational Opportunity on the Monroe Park Campus or the Division for Academic Success on the VCU Health Campus.

These offices review and approve requests for academic accommodations in accordance with supporting documentation received.

16. What documentation is necessary to support a request for accommodation under this policy?

A number of factors are considered when the university reviews a request for accommodation including the specific situation, the type of accommodation(s) requested, and the nature of the disability or condition affecting one or more major life activities. Documentation is collected to support the interactive process and development of reasonable accommodations. Support services offices will work with students during the accommodation process. ADA will work with employees to determine what documentation is needed.
NOTE: All medical and personal information provided directly to the university in support of an accommodation request is maintained in a confidential manner within the disability support office that received it. If an employee or student provides documentation to the wrong office, it may be forwarded to ADA Coordinator, SAEO or DAS.

17. I want to bring my service animal on campus with me. Do I need an accommodation to do so?

No. The university has a reasonable expectation that an identified service animal meets the criteria as defined in the Animals on University Property Policy.

18. I want to bring my emotional support animal (ESA) with me to campus. Do I need an accommodation to do so?

Yes. You may bring your emotional support animal with you to campus only after your request for accommodation has been approved. See the Animals on University Property Policy for more information. ESAs are generally limited in where they may be on campus, for example, in a residence hall but not in a classroom or dining hall. In some cases, an ESA may be an accommodation for an employee and may be with the employee in their office, but no other areas of campus such as the classroom (for faculty) or in other types of events or meetings.

19. May I bring my pet to campus?

Maybe. Pets are allowed on public property but not within any facility owned or controlled by the university. See the Animals on University Property Policy for more information.

20. How do I file a complaint under the Preventing and Responding to Discrimination Policy?

These complaints should be filed directly with IES and not through the Student Disability Accommodation and Accessibility Grievance Procedure. For questions, contact the EO Director of Equal Opportunity:

NAME: Patrick Noonan

ADDRESS 1001 Grove Ave, Moseley House

EMAIL: noonanpr@vcu.edu

IES reviews reports of discrimination based on disability submitted by students, employees, visitors, and third parties to determine whether the complainant was subject to discrimination as prohibited by the university’s Preventing and Responding to Discrimination Policy, consistent with the Americans with Disabilities Act Amendments Act of 2008.