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") is committed to providing equal access to its services, programs, and activities, including information, digital technologies, and resources, to qualified individuals with disabilities. This policy sets forth provisions for VCU’s compliance with relevant state and federal law and guidance, including to the extent applicable 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 third parties 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 third parties.

VCU supports an environment free from retaliation. Retaliation against any student, employee, 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. Third parties who do not comply with this policy may be permanently barred from VCU facilities, services or activities or subject to other restrictions.

Table of Contents

Who Should Know This Policy .................................................................................................................. 2
Definitions .................................................................................................................................................. 2
Contacts ................................................................................................................................................... 4
Policy Specifics and Procedures ............................................................................................................. 5
Forms ....................................................................................................................................................... 18
Related Documents ............................................................................................................................. 18
Revision History ....................................................................................................................................... 18
FAQ ......................................................................................................................................................... 19
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
Providing a person with a disability equal 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.

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 or fundamentally alter the service, program or activity. 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 without fundamentally altering the academic content or learning objectives.

ADA/504 Coordinator
The university official 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.

ADA Specialist
The university employee designated to respond to employees’ requests for reasonable accommodation under this policy.

Advocate
For the purpose of this policy only, an Advocate is a person who has been authorized by the individual with a disability to speak for and/or represent the individual for the purpose of a request for accommodation and the interactive accommodation process. A student’s direct communication with the university is an essential element of the academic program, therefore such representation is not permitted unless it is approved as an accommodation for the disability. Likewise, employees are expected to engage in university processes on their own behalf unless representation by an advocate is approved as an accommodation for the disability.

Disability
A documented physical or mental impairment of an individual that substantially limits one or more major life activity and/or major bodily functions, a record of such an impairment, or being regarded or perceived 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 by the individual’s representative before any accommodation will be provided. Documentation generally 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**
Any person (faculty and/or staff) with a direct employment relationship with VCU, including those who work on a part-time, temporary, or adjunct basis. An individual can hold a status as both a student and employee. The provisions of this policy will be applied consistent with the role principally held by such individuals in the relevant context.

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

**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**
A means to address employee or student concerns related to accommodations. Informal solutions may facilitate agreements within the scope of this policy that 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 remain a student under VCU’s continuous enrollment policy. For the purposes of this policy, “Student” also includes persons who have been notified of their acceptance for admission, and persons living in VCU residence halls regardless of course enrollment.

**Student Accommodation Letter**
Specific academic accommodation(s) described in writing for a student who has registered with Student Accessibility and Educational Opportunity or with the Division of Academic Success.

**Supervisor**
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 or student seeking accommodations, rather than speak for or otherwise make decisions for or advocate for them. 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, including contractors, vendors, ticket holders, invited guests, alumni/ae or local residents, and those who access university Electronic and Information Technology (EIT), who is not a VCU student or employee (faculty or staff).

**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:

Cleopatra Magwaro
Interim University Accessibility Administrator
Serving as the ADA/Section 504 Coordinator
(804) 828-8532
magwaroc@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 overseeing compliance with this policy. Employees specifically should understand that during the application and hiring process, they may have
completed forms disclosing that they have a disability. These forms are specific to data collection required by federal and state regulations and are not considered notice of need or request for accommodation by the university. VCU requires 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.

A disclosure of a disability by a student or a parent, guardian or third party during the process of applying for admission does not constitute a request for accommodation. Students who wish to seek reasonable accommodation must complete the process described within Section 4 – B of this policy.

1. **Accessibility**

VCU is committed to operating 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**

An individual who requests accommodation for a disability and the 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, third party);
3. Consider the information submitted 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 document authorization for reasonable accommodations or alternatives.

The final determination of reasonable accommodation rests with the university based on its review
of all available information.

NOTE: If necessary to assess reasonable accommodations or clarify information received, the university may ask the individual requesting an accommodation to provide an authorization for release of information by their treatment provider.

1. 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.

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 third parties are encouraged to provide such information directly to the ADA/504 Coordinator. Students are encouraged to provide such information 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 for defined periods in accordance with the current Records Management Policy of the university.

2. Determining 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 to 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 accommodation may invite another individual to be a support person for them during the interactive process or during any phase of this process. Employees who wish to have a support person accompany them during any phase of this process may do so by notifying the ADA/504 Coordinator. Students who wish to have a support person accompany them during any phase of this process should notify 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.

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.

A. Employees may request accommodation by completing the online Employee Accommodation Request Form or by emailing ADAServices@VCU.edu. 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.

**Procedures:**
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. The ADA/504 Coordinator or designee will conduct an interactive process with input from unit manager, qualified treatment provider, and the employee.

3. The ADA/504 Coordinator will develop an Accommodation Agreement for review and signature by the employee, their supervisor/manager, and the HRP assigned to the unit.

4. Accommodations will be implemented by the employee and supervisor, and by any other individuals indicated in the Accommodation Agreement.

5. The Accommodation Agreement may include a trial period to assess the effectiveness of the accommodation. At the end of the trial period, accommodations may be adjusted as needed through an interactive process including the ADA/504 Coordinator, the employee and supervisor.

6. If both the employee and the supervisor deem the accommodations to be effective, the ADA Coordinator’s file on employee accommodation will be closed.

7. Updates, amendments, or revisions of accommodations may occur at any time. It is the responsibility of the employee and/or supervisor to request review by the ADA Coordinator of the Accommodations Agreement based on any change in the disability or medical condition, assigned essential duties, or changes in position or supervisor.

IF EMPLOYEE’S INITIAL REQUEST IS REJECTED or EMPLOYEE DECLINES PROPOSED ACCOMMODATION:

The employee is encouraged to enter into discussions directly with the ADA/504 Coordinator if the initial request is rejected, or if they are dissatisfied with a proposed alternative. Often, with clarification, the employee and the ADA/504 Coordinator may identify a solution. In such cases, the ADA/504 Coordinator will detail the reason for the rejection as well as what might be done to resolve it. This may include a request for additional information or a request for a release authorization so the qualified treatment provider who provided medical or other documentation may provide additional information. In such cases, it is the employee’s right to comply with such a request or not. Timely action by the employee can result in timely approval of the request.

If the employee’s request is not approved, they may proceed under Section 7 of the policy, which details certain steps before a complaint of discrimination is filed.

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. accepted students may begin this process prior to their first semester.

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.

**Procedures:**
1. 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 should provide documentation of their disability. Documentation must be supplied by their qualified treating provider, 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 the student provides proper documentation and intake paperwork, SAEO or DAS will review the materials to determine eligibility for accommodation under this policy and identify any generally available university services or supports to assist the student requesting accommodation;
4. Following the review, the student will be contacted by 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, and generally available university services and supports. 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 an accommodation and support plan for the student;
7. From the plan, SAEO or DAS develops the Student Accommodation Letter each term 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 and disability status and should consult SAEO or DAS for guidance as needed.

**IF STUDENT’S INITIAL REQUEST IS REJECTED:**
The student should enter into discussions 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 rejecting their request would impact their academic access or access to programs, activities, and facilities.
- Summarize the original request.
- Detail actions taken to date to resolve the concern.
- 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 rejection 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, the student can proceed under section 7 of the policy, which details certain steps before a complaint of discrimination is filed.

C. **Prospective students** seeking accommodations for use during campus visits or interviews should contact the Office of Admissions or their host department for direction.

Department administrators are encouraged to consult with the ADA/504 Coordinator if guidance is needed.

Disclosure of a disability or request for accommodations by a student or a third party (e.g. a parent) does not impact an admission decision.

D. **Third parties** requesting accommodations may contact the VCU office or department responsible for the event, content, or program relevant to their request, or the office with which the third party is conducting business. They may also contact the ADA/504 Coordinator directly.

Any office or department receiving a request for an accommodation from a third party must not deny a request for accommodation without first consulting the ADA/504 Coordinator.

3. **Implementation of Accommodations**

In general, the costs associated with providing reasonable accommodations for employees and third parties 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.

The costs for providing academic accommodations for students are mostly covered through the operating budget of SAEO and DAS.

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.

Any VCU unit or employee organizing and/or implementing a university program, activity or service is responsible for providing accessibility and implementing accommodations for participants (students, employees and third parties) as part of operations. Further, the following employees or offices have responsibilities in implementing approved accommodations:

- Supervisors will ensure that employee accommodations, as determined by the ADA/504 Coordinator, are fully and effectively implemented
- 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 academic 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
provide 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 assist applicants in completing online applications (via Human Resources), and may consult with the ADA/504 Coordinator as needed for other accommodations

4. **Review of Accommodations**

The ADA/504 Coordinator may review employee accommodations at the request of the employee and/or supervisor based on any change in the disability or medical condition, assigned essential duties, or changes in position or supervisor. Updated medical documentation may be required.

The SAEO and/or DAS office, through ongoing case management with students receiving accommodations may conduct reviews to amend or update an Accommodation Letter before the start of each semester or more often if a change in accommodation is necessary. Accommodations are not effective until the student presents the Accommodation Letter to their faculty and engages in discussion about its implementation as necessary.

5. **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).

**A. 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 discussions directly with their supervisor or manager and include their unit’s Human Resources Professional (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- Informal Solution 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 Specialist directly to revisit their Accommodation Agreement.*

**Step 2 - Informal Solution**

To facilitate timely resolution of employee accommodation or access concerns, the employee or supervisor/manager should request assistance from the ADA Specialist. The ADA Specialist will attempt to resolve the concern within ten (10) business days, but has the discretion to extend this deadline to resolve the concern as soon as reasonably feasible. The employee may identify a support person to accompany them in this process. 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. The Accommodation Agreement may be affirmed or revised. An Informal Solution may adequately address the alleged denial or refusal to accommodate and
result in equitable access for the employee. In most instances, concerns can be resolved at this step. Should the employee’s concern regarding 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, the employee may choose to proceed directly to Section 7C and file a complaint under the process defined in the Preventing and Responding to Discrimination Policy.

Step 3 - Formal Complaint
In cases in which the employee’s concerns are not resolved in Steps 1 or 2, the employee may submit a Formal Complaint. The written complaint should be sent to ADAservices@vcu.edu and 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 Accommodation Agreement;
- Communications between individuals involved; and,
- Other information directly related to the incident of refusal or denial.

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. Provide written notice to the individual(s) who are the subject of the complaint.
3. Contact the employee if necessary to clarify and resolve the complaint.
4. Consult with the manager or manager’s supervisor, the HRP and Human Resources, Employee Relations, as necessary
5. Notify the employee and the individuals who are the subject of the complaint of the finding, including a summary, expected resolutions, and specific steps to implement remedies (if any), including appropriate time frames. The Accommodation Agreement may be revised. This notice of resolution will be sent through 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 employee about any unexpected delays (for example, a scheduled university break or where a party may be unavailable).
7. Forward information for review to the School, College or unit manager, Human Resources or the Provost’s Office for further consideration or actions if necessary.

It is the expectation of the university that all individuals who are alleged to have failed to accommodate an employee’s disability be available to participate in the review process in a timely manner, and will implement and support the university’s recommendations to prevent and remedy any denial of reasonable accommodations.

If a report to the ADA/504 Coordinator contains an allegation of discrimination based on disability (unrelated to access or accommodation), the ADA/504 Coordinator will refer it to the IES Director of Equal Opportunity under Section 7C of this policy and in accordance with the Preventing and Responding to
Discrimination Policy.

Should the concern not be resolved by Step 3, the employee may choose to file a formal complaint by proceeding to Section 7C 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 7C of the policy and may follow the process of submitting a compliant of discrimination defined under the Preventing and Responding to Discrimination Policy.

B. Student Disability Accommodation and Accessibility Grievance Procedure
VCU encourages students who have received a Student Accommodation Letter to promptly address their concerns if they believe they have been refused or denied an accommodation listed therein or access to activities, programs and facilities. Students should follow the procedures below.

Step 1 - Initial Concern
VCU encourages students to make a reasonable effort to first attempt to resolve the issue directly with the employee or office responsible for implementing the accommodation or providing the access. This 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

A student who needs support in this process may proceed at any time to Step 2 - Advocated Assistance.

If the concern involves actions taken by the director of SAEO or DAS office the student may proceed directly to Step 4 – Formal Grievance/Complaint.
If the concern involves the ADA/504 Coordinator, the student may proceed directly to Section 7C of this policy, Preventing and Responding to Discrimination Policy.

Step 2 - Assisted Resolution
Assisted Resolution is an informal process that provides support for students who are seeking to resolve an accommodation or accessibility concern. Students 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 or DAS representative will respond to 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 to the student’s satisfaction, the student may proceed to Step 3 – Informal Solution, below.

Step 3 - Informal Solution
Informal Solution is available when the case manager or learning specialist is unable to resolve the student’s concern in Step 2 or when the case manager or learning specialist or the office itself is the subject of the concern. Informal Solution involves assistance from the director of SAEO or DAS, respectively.

1. The student must submit a written request using the Student Disability Accommodation and Accessibility Grievance Form
2. The director or their designee will respond to 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 seek 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 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 understood by the director, and actions taken to date to resolve the concern. If the student’s concerns are not resolved via Informal Solution, the student may proceed to Step 4 Formal Grievance/Complaint.

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 in consultation with the student. The concern will then follow procedures outlined in Step 4.

If the concern involves actions taken by the director of SAEO or DAS office the student may proceed directly to Step 4 – Formal Grievance/Complaint.

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

If the student’s concern is not resolved in Steps 1-3, or if the concern involves action taken by the director of SAEO or DAS, the student may submit a Formal Grievance/504 Complaint to the ADA/504 Coordinator.

The written complaint should be sent to ADAservices@vcu.edu and 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. Provide written notice to the individual(s) who are the subject of the complaint.
3. Contact the student and any involved individuals or units if necessary to clarify and resolve the complaint;
4. Notify the student and the individual(s) who are the subject of the complaint of the finding, including a summary, expected resolutions, and specific steps to implement remedies (if any), including appropriate time frames. This notice of resolution will be sent through the university’s official email system within fifteen (15) business days of receipt of the complaint, or as soon as reasonably practical thereafter.
5. Update the student about any unexpected delays (for example, a scheduled university break or where a party may be unavailable);
6. 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 individuals who are alleged to have failed to accommodate a student’s disability be available to participate in the review process in a timely manner and will immediately implement and support the university’s recommendations to provide reasonable accommodations.

C. Complaints of Discrimination Based on Disability by Students, Employees & Third Parties
A student, employee, or third party alleging discriminatory harassment or other forms of discrimination based on disability (unrelated to access or accommodation) should utilize the process outlined in the university’s *Preventing and Responding to Discrimination Policy*. Similarly, if a report to the ADA/504 Coordinator contains an allegation of discrimination based on disability (unrelated to access or accommodation), the ADA/504 Coordinator will refer it to the Director of Equal Employment Opportunity under Section 7C of this policy and in accord with the *Preventing and Responding to Discrimination Policy*.

As a part of this process the ADA/504 Coordinator may:
1. Advise the student, employee, or third party of their rights to file a complaint
2. Refer the concern to the Director of Equal Employment Opportunity
3. 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 7B; in that case the AVP supervising the ADA/504 Coordinator will act in this role)
4. Recommend accommodations, if requested by the employee, student, or third party for supportive measures during participation in the investigation of the complaint

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

a. 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 modifications (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 provide guidance for the student, such as Medical Leave of Absence from the university for the term or other academic adjustments or time-limited modifications.

b. 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.

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

d. 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.

e. Use of illegal drugs and misuse of drugs or alcohol are not protected activities, and such activity will not be considered as an accommodation. For more information, please see the university’s policy on Alcohol and Other Drugs.

Form________________________________________________________

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:
  - Physical/Medical/Sensory Disability Verification Form
  - Psychological/Psychiatric Disability Verification Form
- 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
- Information and Technical Assistance on the ADA https://www.ada.gov/
- https://www.dol.gov/ofccp/regs/compliance/section503.htm
- http://law.lis.virginia.gov/vacode/title51.5/chapter9/section51.5-40/
Revision History

This policy supersedes the following archived policies:

<table>
<thead>
<tr>
<th>Date</th>
<th>Policy Title</th>
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</thead>
<tbody>
<tr>
<td>June 06, 2016</td>
<td>Accessibility and Reasonable Accommodation for</td>
</tr>
<tr>
<td></td>
<td>Individuals with Disabilities – Interim</td>
</tr>
<tr>
<td>October 06, 2016</td>
<td>Accessibility and Reasonable Accommodation for</td>
</tr>
<tr>
<td></td>
<td>Individuals with Disabilities</td>
</tr>
<tr>
<td>March 15, 2017</td>
<td>Accessibility and Reasonable Accommodation for</td>
</tr>
<tr>
<td></td>
<td>Individuals with Disabilities - Interim</td>
</tr>
<tr>
<td>November 02, 2017</td>
<td>Accessibility and Reasonable Accommodation for</td>
</tr>
<tr>
<td></td>
<td>Individuals with Disabilities - Interim</td>
</tr>
<tr>
<td>February 07, 2018</td>
<td>Accessibility and Reasonable Accommodation for</td>
</tr>
<tr>
<td></td>
<td>Individuals with Disabilities [minor edits]</td>
</tr>
<tr>
<td>Scheduled June 14, 2021</td>
<td>Accessibility and Reasonable Accommodations for</td>
</tr>
<tr>
<td></td>
<td>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 described in the processes above. They may not speak on the behalf of or represent the employee or student
A
requesting accommodation in any way. Their role is solely to be a supportive presence for the employee or student (for example: A parent, spouse, friend, roommate, or colleague).

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 to 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 may be a professional employed by an outside agency, who acts on the behalf of the employee or student requesting accommodation under this policy, and who is authorized by the student or employee to represent them and speak for them in the accommodation process, detailing the interests and needs of the employee or student.

12. **What is the role of a person assigned to provide 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. The individual acts as a voice, interpreter, or hands and sight for the person with the disability but is 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?**
Anyone who identifies a campus accessibility concern can report the concern using the Accessibility Concern Form or contact the ADA/504 Coordinator at: ADA@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
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 supports 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. An employee who wishes to bring a service animal to their workplace must follow the process for requesting accommodation described in this 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 generally allowed in outdoor areas on university property but not within any indoor or outdoor university facility. 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 Director Equal Employment Opportunity and Affirmative Action Programs:
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, 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.