



<b>SUBJECT:</b> DISABILITIES AND ACCOMMODATIONS	<b>Effective Date:</b> 9-18-12 <b>Amended:</b> 2-8-21	<b>Policy Number:</b> 1.13	
	<b>Supersedes:</b> Presidential Memorandum #88	<b>Page</b> 1	<b>Of</b> 6
	<b>Responsible Authority:</b> Vice President, Administrative Affairs Executive Director, Office of Equity & Inclusion		

**APPLICABILITY/ACCOUNTABILITY:**

This policy is applicable to all members of the University community and all University facilities, events and services.

**POLICY STATEMENT:**

It is the policy of the University to provide equal access and opportunity to University students, employees, and job applicants with disabilities in compliance with federal law, including the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act (ADA), as amended. No qualified individual with a disability shall, by reason of such disability, be excluded from participation or denied the benefits of services, programs, or activities of the University, or be subjected to discrimination or lack of access by the University, as provided by law. The University prohibits discrimination based on disability in the educational process, the job application process, and during the employment relationship.

**DEFINITIONS:**

*Disability:* A physical or mental impairment that substantially limits one or more major life activities of such individual, a record of such an impairment, or being regarded as having such an impairment. The impairment may be permanent, chronic, or progressive. An impairment that is episodic or in remission is considered a disability under the ADA if the condition would substantially limit a major life activity when active.

*Employee:* Any University employee including faculty, staff, and student employees. This includes hourly, salary, part-time, and full-time employees.

*Essential Function(s):* The fundamental duties of the position or the primary reasons the position exists. The University is not required to eliminate an essential function of a position, or

to lower quality or performance standards to make an accommodation, as long as those standards are applied uniformly to employees with or without a disability. The University is not required to create a new position to accommodate an employee. The University determines whether a job function is “essential” on a case-by-case basis. Some of the factors used in determining whether a job function is essential are:

- Whether the reason the position exists is to perform that function;
- The number of other employees available to perform the function or among whom the performance of the function can be distributed; and
- The degree of expertise or skill required to perform the function.

*Interactive process:* The process through which the employer and employee work together to arrive at a reasonable accommodation. This involves determining essential functions of a position, identifying the barriers that exist to an individual’s performance of a particular job function, identifying a range of possible accommodations that have the potential to remove the barrier to essential functions, and implementing a reasonable accommodation when possible.

*Major life activities:* Include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Major life activities also include the operation of major bodily functions, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

*Office of Equity and Inclusion (OEI):* OEI promotes and supports a working and learning environment free from any form of unlawful discrimination, harassment, or retaliation. OEI is focused on the needs of the University community through the incorporation of diversity, equity, and inclusion in programming and through training initiatives. OEI serves as the office of the ADA Coordinator and the Title IX Coordinator.

*Reasonable Accommodation:* A change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to participate, use, access or perform a job, program, benefit, obligation or facility. The decision as to the appropriate (reasonable) accommodation is made on a case-by-case basis. The principal test is that of effectiveness; whether the accommodation will provide an opportunity for a person with a disability to achieve the same level of performance and to enjoy benefits equal to those of an average similar-situated person without a disability. Accommodations must be reasonable and cannot alter the essential requirements of a course, program or job. Actions that are *not* required or reasonable include, without limitation:

- Lowering production or performance standards
- Excusing violations of conduct rules;
- Removing an essential function;
- Monitoring an employee’s use of medication;
- Actions that would result in undue hardship;
- Restructuring working hours so they fall far outside the obligations of an employee’s unit and/or position. Some positions require employees to be on campus at all times and/or at certain hours and may not have as much flexibility to accommodate requests for changes;

- Requests that will disrupt the University's mission to achieve excellence in the interrelated areas of undergraduate education, graduate education, research and public service; and
- Requests for personal use items needed in accomplishing daily activities (e.g. eyeglasses, hearing aids, prosthetic limbs, or a wheelchair).

*Student Accessibility Services (SAS):* The University's comprehensive academic support services for students, including without limitation advocacy, academic accommodations, Assistive Technology equipment / software training, Assistive Technology Computer Lab, Learning Strategies training, and an active student organization.

*Student:* For the purposes of this policy, a student is any person who has applied to FAU as degree seeking or non-degree seeking and has been accepted. Persons who withdraw after allegedly violating the Student Code of Conduct, are not officially enrolled for a particular term but who have a continuing relationship or enrollment with FAU, or have been notified of their acceptance for admission are considered "students." The term "student" will also refer to student organizations and persons living in University housing, although not enrolled at FAU.

*Undue Hardship:* An accommodation or action requiring significant difficulty or expense when considered in light of factors such as the University's size, financial resources, and the nature and structure of its operation. Undue Hardship also refers to an accommodation that is unduly extensive, substantial, or disruptive, or one that would fundamentally alter the nature of the position.

## **PROCEDURES:**

### **A. STUDENTS**

Self-identification and registration with SAS is the student's option and is not mandatory. However, if a student wants the University to provide an academic accommodation and if the student wants to ensure that they are assigned to accessible facilities, a student must identify themselves as having a disability by registering with the SAS.

In order to complete the SAS registration process, it is the responsibility of the student to provide the SAS with a self-reported narrative of their experience of disability, barriers, and requested accommodations. Additionally, supporting documentation from a licensed professional in the field concerning the student's disability and functional limitations resulting from the disability is part of the process for determining accommodations. If the SAS determines that the student's self-report is inadequate and presented documentation is outdated, incomplete, or vague, it is the responsibility of the student to provide additional documentation that appropriately demonstrates the current existence of a disability. It is the responsibility of the student to pay for a new evaluation to document the disability and the need for an academic accommodation. All disability- related records are kept confidential and are not released without the student's written permission, unless otherwise required by law.

If a disability and need for accommodation are adequately shown and the provision of such accommodations would not fundamentally alter the academic program, SAS will discuss the provision of these accommodations with the student in an intake interview. It is the student's responsibility to request their accommodations every semester via the online portal for the Academic Accessibility Agreement letters to be emailed directly to their professors. Notetaking,

exam scheduling, alternate format text requests, scheduling and the ability to review upcoming appointments and exams are all available in the online portal for students to utilize. SAS encourages students to request their accommodations in a timely manner each semester in order to ensure that the appropriate accommodation can be provided.

More specific guidelines and processes for student accommodation requests are available on the [SAS website](http://fau.edu/sas/) (fau.edu/sas/).

#### B. JOB APPLICANTS

Applicants for employment with the University who have a qualifying disability may request reasonable accommodations during the application, recruiting, and/or hiring process. Accommodation requests should be made in writing at least five (5) business days to Human Resources or OEI prior to the time the accommodation is needed. The University may make pre-employment inquiry as to an applicant's ability to perform essential job functions with or without reasonable accommodation; provided, however, that the University will not make pre-employment inquiry as to the nature or presence of a disability.

#### C. EMPLOYEES

University employees with a disability may request reasonable accommodations at any time. To request a reasonable accommodation, an employee may fill out the online form by going to the OEI website and clicking on ADA Coordination. A hard copy is also available to download and submit to the OEI Office. Applicants may also contact the ADA Coordinator in OEI to make requests for accommodations should they not be able to fill out the online form or hard copy. All correspondence from OEI will be from the email [accommodate@fau.edu](mailto:accommodate@fau.edu). Once submitted, a representative from OEI will contact the requesting party using the information provided to discuss the accommodation requested and the accommodation process. This is referred to as the interactive process.

During the interactive process, it will be determined if any additional medical documentation will be needed to better determine which reasonable accommodation would be most appropriate. If so, the employee will be requested to provide additional documentation that is to include sufficient evidence that the employee has a physical or mental impairment that substantially limits one or more major life activity and specify the requested accommodation(s) the employee is seeking.

Once the information is complete, OEI will work with the department involved and the employee to provide a reasonable accommodation, when no undue hardship is created. The responsibility for funding the cost of a reasonable accommodation rests with the employee's department. Employee medical/disability records shall be maintained in OEI and do not become a part of the employee's personnel file.

#### D. PUBLIC ACCOMMODATIONS

Every sponsor of programs and events is responsible for providing reasonable accommodations when requested. Additional costs that may be incurred shall be the responsibility of the event sponsor as applicable. The event sponsor shall also coordinate with the appropriate University individuals to provide an appropriate reasonable accommodation. All events held in University

facilities shall be barrier free and accessible or provide reasonable accommodations in accordance with applicable law and regulations.

The sponsor, including campus cinemas, lectures and speakers, shall notify potential attendees, that reasonable accommodations should be requested of at least five (5) business days prior to the event or service. For University-sponsored programs and events, the University will use reasonable efforts to provide an appropriate accommodation if the accommodation is reasonable and will not fundamentally alter the event or service.

The University's Office of Equity and Inclusion (OEI) or the University's Student Accessibility Services (SAS) can assist an event sponsor in determining appropriate accommodations and providing resources for potential service providers.

#### E. COMMUNICATIONS, ELECTRONIC INFORMATION, AND WEB ACCESSIBILITY

Each college or department within the University is required to take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. How and what type of effective communication is provided will depend on the nature of the communication and the situation. Primary consideration should be given to the requests of the individual with the disability. Reasonable efforts should be made to honor the request of the individual unless another reasonably effective method exists or the desired aid would be an undue burden.

Alternate formats of all University communications, including but not limited to printed documents, electronic media, website information, meetings, and activities, shall be made available. Publications should contain the phrase "available in alternate formats upon request." Responsibility for providing alternate formats of printed documents or auxiliary aids and services lies with each department or college, as applicable. Such alternate format, auxiliary aids and services may include but are not limited to: large print (18 pt. font), computer storage media, screen reader, audio recorded text, Braille, qualified sign language interpreter, or amanuensis.

1. Websites: All University websites should comply with Web Content Accessibility Guidelines (WCAG 2.0) standards.

2. Electronic Documents: Electronic documents should include appropriate heading markup with correct tagging and present the correct reading order to screen reader users. All images should have alternative text descriptions. Electronic forms should provide equivalent functionality for users using assistive technology. Electronic forms should include the ability to allow the user to receive directions, identify fields with labels and any cues. The user should also have the ability to complete and submit a form with the use of assistive technology.

3. Multimedia: All video materials should provide closed captioning that can be turned on and off and a transcript should accompany any audio content. All multimedia resources purchased and/or used must be accessible through open or closed-captioning, subtitles, and/or transcripts of audio be provided. All new instructional, informational, marketing and promotional multimedia products produced by the University, including content posted on websites, will be produced with open or closed-captioning, subtitles, and/or transcripts (for audio materials, such as podcasts) to ensure all subsequent copies are accessible.

4. Hardware and Software. Representatives for University vendors may have limited knowledge of the accessibility of their software and hardware products and their statements about the accessibility of these products may not be fully accurate. It is advisable to conduct testing with individuals who are experienced users of assistive technology software to establish whether claims of accessibility are fully accurate.

5. Voluntary Product Accessibility Template (VPAT). Before the purchase is completed of any technology hardware or software, a Voluntary Product Accessibility Template (VPAT) should be requested from the vendor. A VPAT is a document, which evaluates how accessible a particular product is according to Section 508 Standards of the Rehabilitation Act of 1973. It is a self-disclosing document provided by the vendor after a reputable third-party vendor, which details each aspect of the Section 508 requirements and how the product supports each criteria.

F. COMPLAINTS

Complaints involving disability discrimination, harassment, or retaliation are filed with the Office of Equity and Inclusion, in accordance with [Regulation 7.008, Anti-Discrimination and Anti-Harassment](#).

INITIATING AUTHORITY: Vice President, Administrative Affairs

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POLICY APPROVAL  
(For use by the Office of the President)

Policy Number: 1.13

*Initiating Authority*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Name: Stacy Volnick

*Policies and Procedures  
Review Committee Chair*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Name: Elizabeth Rubin

*President*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Name: Dr. John Kelly

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Executed signature pages are available in the Office of Compliance