

## Handbook of Operating Procedures

### ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES

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#### A. Purpose

This policy sets forth the commitment of The University of Texas Rio Grande Valley (UTRGV) to providing equal opportunities and access to qualified employees, students, applicants, or other members of the UTRGV community with disabilities who access services, programs or activities of UTRGV, with reasonable accommodations as necessary, in accordance with state and federal laws and regulations.

#### B. Persons Affected

This policy applies to students, staff, faculty, job applicants, applicants for admissions, and other beneficiaries of the programs, services, and activities of UTRGV.

#### C. Definitions

1. Essential Functions – tasks that are fundamental, not marginal, to the performance of an employee’s job or to UTRGV academic programs, services, or activities.
2. Individual with a Disability - An individual with a mental or physical impairment who, as a result of such impairment, is substantially limited in performing one or more major life activities. This includes who not only have an impairment, but also individuals who have a record of such an impairment. This also includes individuals who have been regarded as having such an impairment; however, a person who is considered an individual with a disability solely on the basis of being “regarded as” having a disability is not eligible for a reasonable accommodation. An impairment may be caused by pregnancy or a pregnancy-related condition.
3. Qualified Individual with a Disability - An individual who meets the definition of an individual with a disability and who possesses the skills, experience, education, licensing, or other requirements of a program or position the individual presently holds or will hold, and who can perform the essential functions of that program or position with or without reasonable accommodation.
4. Reasonable accommodation – In the employment context, refers to a reasonable adjustment or modification in the work environment or in the manner a job or position held is customarily performed that enables a qualified individual with a disability to perform the essential functions of that position, so long as the accommodation does not create an undue burden or hardship to UTRGV. In the educational context, refers to a reasonable adjustment or modification in facilities, services, instruction delivery, testing, or equipment/aids that would allow a student equal access to academic program(s) and equal opportunity to pursue academic program(s) and academic goals, so long as the accommodation does not create an undue burden or hardship to UTRGV.

5. Undue burden or hardship – any accommodation that would cause an undue hardship on the operations of UTRGV. In determining whether an accommodation would impose an undue burden or hardship, factors to be considered include (without limitation) the nature of the accommodation; financial considerations; the impact of the accommodation upon the nature and operation of the department or whether the accommodation would fundamentally alter the essential elements of a program or position, course or degree requirements, or requirements for instruction; and the effect of the request on the health and safety of other employees, students, or other members of the UTRGV community.

#### **D. Policy**

It is the policy of UTRGV to provide an educational and working environment that provides equal opportunity to all members of the UTRGV community and complies with all state and federal laws and regulations concerning the employment of or educational access for individuals with disabilities. No qualified individual shall, based on disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination or harassment in any services, programs, or activities of UTRGV, and UTRGV will provide reasonable accommodations to qualified individuals with disabilities unless doing so creates an undue hardship or burden.

1. *Confidentiality of Records:*

All offices and individuals responsible for reviewing and analyzing requests for accommodations will maintain the confidentiality of all medical and disability-related information. Records pertaining to employees will be kept separate from personnel files and will be accessible only to authorized personnel. Records pertaining to students will be kept in Student Accessibility Services and will be accessible only to authorized personnel.

2. *Periodic Review:*

If a reasonable accommodation is implemented, the Office of Human Resources or Student Accessibility Services shall periodically confer with the individual with the disability to determine continuation or discontinuation of the accommodation.

3. *Independent Medical Opinion:*

UTRGV may, at its own expense, request an independent medical opinion concerning the impairment for which an employee or student seeks an accommodation. The failure of an employee or student to timely cooperate in obtaining such an opinion as indicated by applicable procedures will result in the cancellation of the request for accommodation.

4. *Notices:*

- a. Faculty receiving a student inquiry regarding an accommodation for class should inform the student that such requests must be directed to Student Accessibility Services and that more information can be obtained by visiting Student Accessibility Services at University Center Room 108 or 956-665-7005 (Edinburg campus),

BMSL 1.107 or 956-882-7374 (Brownsville campus), or [ability@utrgv.edu](mailto:ability@utrgv.edu). Faculty must include a statement in each course syllabus explaining that students with disabilities needing an accommodation should contact Student Accessibility Services and the instructor.

- b. Signs advertising an event must contain the contact information for requesting accommodations as required by applicable law.

## E. Procedure

### 1. *Accommodation for Employment and Employees:*

- a. Applicants for employment can initiate a request for accommodation by contacting, verbally or in writing, the Office of Human Resources, the department in which they will be interviewing, or the chair of the search committee to inform them about the possible need for accommodation. Any such inquiry shall be immediately forwarded to the Office of Human Resources for review of the request and determination, if applicable, of reasonable accommodation.
- b. Any employee can initiate a request for accommodation by notifying, in writing, the immediate supervisor or the Office of Human Resources of the nature of the disability and the accommodation being requested. Any such request received by the immediate supervisor shall be immediately forwarded to the Office of Human Resources for review and determination, if applicable, of a reasonable accommodation to be made.
- c. Individuals will be required to submit a recent medical statement dated within 30 days of the request.
- d. The Office of Human Resources will analyze the request and, to determine eligibility for accommodation, confer with the employee, employee supervisor or the applicant to ascertain the individual's requirements for reasonable accommodations and make a determination regarding which accommodations are necessary. If the employee or applicant is unable to demonstrate a disability, or does not request a reasonable accommodation under applicable statute or regulation, the request may be denied.
- e. UTRGV is not required to provide the "best" or "most desired" accommodation. UTRGV can meet its obligations as long as the proposed accommodation is sufficient to satisfy the employment needs of the employee.

### 2. *Accommodation for Students:*

- a. Students requesting accommodations or services can initiate a request by contacting Student Accessibility Services. Students may be required to provide a medical statement which contains a diagnosis, prognosis, and a description of the specific impairment(s), the major life functions or activities affected by the impairment and the degree of limitation to those functions and activities caused by the impairment.

- b. Students may be asked to submit additional information, including medical information, if the information previously provided is incomplete, unclear or inconsistent.
- c. If a student is asked to provide information but does not do so within 30 days of UTRGV's request, the request for accommodation will be cancelled, although the student may file a new request once the student has obtained the requested information.
- d. Determination of the approval or denial of the request for accommodation will be the responsibility of Student Accessibility Services.
- e. UTRGV is not required to provide the "best" or "most desired" accommodation. UTRGV can meet its obligations as long as the proposed accommodation is sufficient to satisfy the learning accessibility needs of the student.

3. *Accommodation for Visitors and Beneficiaries of Programs, Services, and Activities:*

- a. Visitors and beneficiaries of programs, services, and activities can initiate a request for accommodation by contacting the department hosting the event, program, or activity. A designee of the event, service, or activity will immediately notify the Office of Human Resources so that the official processing of the request can begin.
- b. Individuals may be required to provide a medical statement which contains a diagnosis, prognosis, and a description of the specific impairment(s), the major life functions or activities affected by the impairment. Individuals may be asked to submit additional medical information if the information previously provided is incomplete, unclear or inconsistent. If the individual does not provide the required documentation and information within a reasonable period of time prior to the event, service, or activity, the request for accommodation will be cancelled for lack of necessary information.
- c. Determination of the approval or denial of the request for accommodation will be the responsibility of the Office of Human Resources in consultation with the event, service, or activity coordinator.

**F. Complaint Procedures for Faculty, Staff, Students, Visitors , or Applicants for Employment**

- 1. *Filing a complaint* - Faculty, staff, students, visitors, or applicants for employment with complaints against UTRGV alleging discrimination on the basis of disability shall provide complaints in writing to Office of Institutional Equity.
  - a. The complaint shall be made as soon as possible after the action complained of occurs, which in most cases should not exceed 10 working days unless the complainant obtains approval from the Director of the Office of Institutional Equity or designee.

- b. A complaint must contain the name, address, and phone number of the person filing it, a brief description of the alleged violation, and any documents supporting the complaint.
  2. *Investigation of a complaint* - The Office of Institutional Equity or designee will investigate the complaint. This procedure will afford interested persons an opportunity to submit evidence relevant to the complaint.
    - a. A written statement containing the determination or a suggested resolution shall be sent to the complainant within a reasonable time after receipt of the complaint.
    - b. The Office of Institutional Equity shall maintain all records related to the complaint.
    - c. The decision of the Office of Institutional Equity is final.
  3. Failure of a complainant to process a complaint within the specified time shall constitute abandonment of the complaint, unless an extension has been approved in writing by the Office of Institutional Equity.

**G. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)**

Americans with Disabilities Act of 1990, Titles I and V (ADA)

Americans with Disabilities Act Amendments Act of 2008, (ADAAA 2008)

Rehabilitation Act of 1973

Texas Commission on Human Rights Act, Chapter 21, Texas Labor Code

**H. Dates Reviewed or Amended**

Reviewed and amended (non-substantive changes) – April 19, 2021.

Reviewed and amended (non-substantive: updated responsible executive) - May 2, 2022.