

Section: **Academics**

Policy: **Technical Standards for Admission and Progression**

Effective: **01/09/2020**

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The UTRGV SON Programs are designed to prepare graduates at a high level of competency for beginning positions (entry level graduates as registered nurses or advanced practice nurses) in culturally diverse health care settings. The program fosters professional excellence by providing a climate in which intellectual achievement in nursing is encouraged and developed.

In order to meet a high level of competency students must acquire the knowledge and skills required to practice nursing, ensure patient safety, foster professional integrity that ultimately improves the health care outcomes of patients, families and communities across the health care continuum. To be successful the student must meet course and program objectives and be able to demonstrate competence in six technical standards:

- Observation
- Communication
- Motor
- Intellectual, Conceptual-integrative
- Behavioral-social
- Stress management

Students unable to meet these competencies will not be able to complete the program and are counseled to pursue alternate careers.

Observational Ability: The student is expected to possess functional use of the senses of vision, touch, hearing, and smell so that data received by the senses may be integrated, analyzed, and synthesized in a consistent and accurate manner. The student must also possess the ability to perceive pain, pressure, temperature, position, vibration, and movement that are important to the student's ability to gather significant information needed to effectively evaluate patients. The student must have sufficient capacity to make accurate observations and interpret them in the context of laboratory studies, medication administration, and patient care activities. In addition, the student must be able to document these observations and maintain accurate records. A student must be able to respond promptly to urgent situations that may occur during clinical training activities and must not hinder the ability of other members of the health care team to provide prompt treatment and care to patients.

Communication Ability: The student must communicate effectively both verbally and non-verbally to elicit information and to translate that information to others. Each student must have the ability to read, write, comprehend, and speak the English language to facilitate communication with patients, their family members, and other professionals in health care settings. In addition, the student must be able to maintain accurate patient records, present information in a professional, logical manner and provide patient counseling and instruction to

effectively care for patients and their families. The student must possess verbal and written communication skills that permit effective communication with instructors and students in both the classroom and clinical settings.

Motor Ability: The student must be able to perform gross and fine motor movements with sufficient coordination needed to perform complete physical examinations utilizing the techniques of inspection, palpation, percussion, auscultation, and other diagnostic maneuvers. A student must develop the psychomotor skills reasonably needed to perform or assist with procedures, treatments, administration of medication, management and operation of diagnostic and therapeutic medical equipment, and such maneuvers to assist with patient care activities such as lifting, and mobility. The student must have sufficient levels of neuromuscular control and eye-to-hand coordination as well as possess the physical and mental stamina to meet the demands associated with extended periods of sitting, standing, moving, and physical exertion required for satisfactory and safe performance in the clinical and classroom settings including performing CPR, if necessary. The student must possess the ability of manual dexterity that would be required for certain activities, such as drawing up solutions in a syringe.

Intellectual, Conceptual, and Integrative Abilities: The student must be able to develop and refine problem-solving skills that are crucial to practice as a nurse. Problem-solving involves the abilities to measure, calculate, reason, analyze, and synthesize objective and subjective data, and to make decisions, often in a time urgent environment, that reflect consistent and thoughtful deliberation and sound clinical judgment.

Behavioral and Social Attributes: Each student must be able to exercise stable, sound judgment and to complete assessment and interventional activities. The student must possess the emotional health required for the full use of their intellectual abilities, exercise good judgment, and the development of sensitive and effective relationships with patients, families, communities, peers and professional teams. The student must be able to adapt to changing environments and display flexibility in the clinical environment.

Ability to Manage Stressful Situations: The student must be able to adapt to and function effectively to stressful situations in both the classroom and clinical settings, including emergency situations. The student will encounter multiple stressors while in the nursing programs. These stressors may be (but are not limited to) personal, patient care/family, faculty/peer, and or program-relate

Students Requesting Reasonable Accommodations

If a student reports, or it is discovered, he/she cannot meet one or more of the six technical standards due to a disability, the School of Nursing will follow University policy:

The Office for Civil Rights in the U.S. Department of Education enforces regulations implementing Section 504 with respect to programs and activities that receive funding from the Department. The Section 504 regulation applies to all recipients of this federal funding, including colleges, universities, and postsecondary vocational education and adult education programs. Failure by these higher education schools to provide auxiliary aids to students with

disabilities that results in a denial of a program benefit is discriminatory and prohibited by Section 504. “No otherwise qualified person with a disability in the United States shall, solely by reason of a disability, be excluded from the participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving federal assistance.”

34 CFR §104.3(j)

A person with a disability is a person who:

- Has a physical or mental impairment which substantially limits one or more major life activities;
- Has a record of such an impairment; or
- Is regarded as having such an impairment.

34 CFR §104.3(k)(3)

A qualified person with a **disability is defined as a person who meets the academic and technical standards requisite to admission or participation** in the post-secondary institution’s programs and activities.

Under the provision of Section 504, the University of Texas Rio Grande Valley in administering its admission policies may NOT:

- Apply limitations upon the number or proportion of persons with disabilities who may be admitted.
- Make pre-admission inquiries as to whether an applicant has a disability.
- Exclude an otherwise qualified student with a disability from any course of study.
- Provide less financial assistance to students with disabilities than is provided to other students.
- Measure student achievement using modes that adversely discriminate against a student with a disability.
- Establish rules and policies that have the effect of limiting participation of students with disabilities in educational programs or activities

Under 34 CFR §104.3(k)(3), students with disabilities are not exempt from meeting the technical standards but may be able to continue in the program with reasonable accommodations.

Disability determinations under the ADAAA

Under the provisions of the ADAAA, institutions are obligated to conduct a comprehensive individualized assessment prior to rejecting an individual’s disability claim. [Sec. 2(b)(3)]. Determinations of whether an individual meets the legal definition of disability are fact specific and must be based upon a review of all relevant information and data concerning the individual’s skills and abilities, the manifestations of the impairment(s), and the nature of the functional limitations experienced. Factors pertinent to the individualized assessment include:

- Objective medical/education data
 - **The student's claims must be verified and supported by objective medical and/or educational data and a clear diagnosis.** There should be information or data that identifies the impairment(s) and describes its impact relative to the deficiencies or limitations that the individual has identified. There must also be sufficient data provided about the nature of the impairment to permit an assessment of the duration, severity and the degree to which it impedes the individual's ability to perform. Documentation that reflects no, minor, minimal or even moderate impact has been ruled not to support a disability determination.
- Present level of performance
 - **It is important to verify that the difficulties or limitations raised by the student are, in fact, reflected in his/her actual performance.** The student's level of performance, as well as his/her functional limitations, should be considered. There should be evidence or information provided that reflects the manifestations of the impairment and the extent to which they impact relevant activities. The key inquiry is whether the student's abilities and/or performance are impacted with respect to a wide range of tasks that, taken together, can be classified as imposing limitations concerning a major life activity. Evidence of successful performance within the same or similar environment in which the student is claiming disability should raise serious questions concerning the claim. Evidence of poor performance should be assessed with respect to cause and effect. It is important not to ignore plausible non-disability related reasons that might explain or contribute to the student's poor performance or difficulties.
- Impact on major life activities
 - A student's inability to perform tasks unique to a particular program, job, or course of study alone generally is not sufficient to establish a substantial limitation to a major life activity. The courts are comfortable with classifying the ability to learn, ability to read, and ability to process information as major life activities. They have been less willing to dissect the examination process into its many formats and constructs and identify isolated skills, such as, the ability to take standardized tests, long law school examinations, multiple choice examinations or timed standardized tests as major life activities. It must be established that the activity in question "relates or contributes to the ability to obtain a satisfactory education versus the ability to perform isolated or particular functions." A comprehensive assessment of the student's skills, abilities and limitations related to assimilating and processing information and functioning within the educational environment is what is necessary to determine whether the major life activity of learning is impacted.
- History of past performance
 - Courts have been consistent in ruling that an academic and/or professional history "replete" with significant success and a high level of performance with little or no evidence of diagnosis, impairment or accommodation will NOT establish entitlement to accommodation even in the face of supportive psycho-educational test results and the accompanying opinion of well-credentialed experts. There must be evidence of "a consistent pattern over the years" of his/her performance having been impacted in a

substantial manner by the impairment and/or evidence of previous accommodation before the courts will even entertain the possibility of the existence of a disability. Once such a pattern is shown, the courts will take a closer look at the how and why of the successful achievement. The onus is on the individual and his/her experts to provide concrete, objective evidence that establishes that the manner in which the success was achieved was not only in spite of the impairment but reinforces the existence and substantial impact of the impairment.

- The individual's behavior and statements
 - It is important not to overlook or minimize the student's statements and behavior relative to the impact of the impairment. Behavior or statements that either buttress or contradict his/her assertions regarding the severity and impact of the functional limitations are extremely important. Courts have identified the following circumstances as challenges to the validity of a student's disability claim:
 - The student fails to raise the issue of disability until the potential of adverse action arises.
 - The student attributes his/her poor performance to reasons other than disability.
 - When describing the impact of the impairment, the student minimizes the severity or seriousness of the impact.
 - Review of the student's level and extent of participation or performance does not reflect the limitations or disabilities complained of.
 - Additionally, what the student says or does concerning the impairment can place the validity of their expert's opinions in question. Opinions of experts that are primarily based upon the anecdotal reporting of the student may be discounted when the actions and/or statements of the student are inconsistent with the expert's findings concerning the manifestations of the impairment(s) and the extent of functional limitation required

Students Requesting Accommodations to meet the Technical Standards

- I. Student must disclose disability on admission to the School of Nursing or as soon as the disability is acquired following admission.
- II. Student must meet with Student Accessibility Services to determine type and availability of reasonable accommodations if required. Determination of accommodations may require **verification and supportive objective medical and/or educational data and a clear diagnosis.**
- III. Student must meet with School of Nursing Program Director to determine if required accommodations are feasible taking into consideration student and patient safety in clinical facilities.
- IV. Students who cannot meet the technical standards with accommodations will be counseled to pursue alternate careers

Students Not Requesting Accommodations to meet the Technical Standards

Students not requesting accommodations will be evaluated according to course and program objectives.

