

13.01.99.R0.01 Students With Disabilities

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Procedure Statement

Texas A&M University-Commerce is sensitive to the specific needs of students with disabilities. The institution's response will take into account the unique aspirations and accomplishments of each person with a disability. The university will provide reasonable accommodations consistent with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. It is the obligation of students seeking accommodation(s) to identify themselves and provide documentation of their need for an accommodation pursuant to paragraph 3 below.

Reason for Procedure

This procedure defines the process, including appropriate timeframes, used by the university to effectively accommodate students with a disability and to respond appropriately to complaints of alleged discrimination and/or harassment based on a disability.

Procedures and Responsibilities

1. DISABILITIES AND ACCOMMODATIONS

- 1.1 A diagnosis of a disability will be accepted by the university only if it is made by a qualified professional whose license or credentials are appropriate to diagnose the disorder.
- 1.2 Disabilities that may be accommodated by the university may include, but are not limited to, the following:
 - 1.2.1 chronic medical conditions such as diabetes, heart problems, cancer, and AIDS;
 - 1.2.2 emotional and psychological disabilities;
 - 1.2.3 hearing and visual disabilities;
 - 1.2.4 neurological disabilities;
 - 1.2.5 orthopedic and mobility disabilities; and
 - 1.2.6 specific learning disabilities.

1.3 Accommodations may include, but are not limited to, the following:

- 1.3.1 note takers;
- 1.3.2 tape recorders;
- 1.3.3 extended exam time;
- 1.3.4 alternate examination formats (e.g., oral exams);
- 1.3.5 assistive listening devices, oral or sign language interpreters, captioning;
- 1.3.6 computer access;
- 1.3.7 alternate text format; and
- 1.3.8 priority registration.

2. ACADEMIC STANDARDS

As to students with a substantiated diagnosis of a disability, the following may apply:

2.1 The university shall not be required to compromise academic standards or substitute course requirements that are essential to the university's general requirements or to a particular program. Basic skills, along with completion of all university studies requirements, are essential to the university's general requirements for a degree. These skills can be demonstrated by minimum course requirements, a higher level course, or a transferred equivalent course. The university will make all reasonable efforts to assist students to achieve proficiency in basic skills.

3. APPLICATION PROCESS FOR ACCOMMODATION

3.1 Students who claim a disability must file an application to request accommodations with the Office of Student Disability Resources and Services (SDRS). Accommodations are not retroactive; therefore, students should apply as early as possible to avoid any delays in receiving the needed accommodations.

3.2 After a student submits an application and appropriate documentation of a disability, the office of SDRS will determine whether or not the student qualifies and will suggest accommodations/modifications that are appropriate based upon the information provided by the student and his or her medical provider. After determining a student's qualifications as a student with a disability, SDRS will create an accommodation plan, and the student will receive accommodation letters to provide to his or her instructors. It is the student's responsibility to contact the SDRS office each semester in order to obtain copies of the accommodation letter, which must be delivered to the instructors by the student. Input from the student's instructors may be requested when reviewing the plan.

3.3 The SDRS office will review the progress of the student periodically, at the request of the student or the student's instructors. The SDRS office may request that the student provide additional information or documentation when necessary to revise the plan. The student's disability file will be located in the SDRS office and will contain the student's application for an accommodation, documentation, and any updated information submitted.

3.4 Students will be notified within a two-week time period from the date they file the application and provide the necessary documentation whether or not they meet eligibility criteria for accommodations, or if they need to submit additional information.

4. COMPLIANCE COMMITTEE AND FACULTY OBLIGATION

4.1 The President will annually appoint a standing university ADA Compliance Committee to serve as an appeals body to hear cases whenever there is a disagreement by a student over authorized accommodations. The student is afforded the right to representation during the appeals process. The student shall provide written notice to the ADA Compliance Committee five business days prior to any interviews or meetings between the committee and the student at which the student's representative will be present.

4.2 Faculty members do not have the right to contest the existence of disabilities that have been properly substantiated, nor do they have the right to refuse to provide reasonable accommodations approved by SDRS. However, classroom instructors do have the right and responsibility to participate in the decision-making process regarding the type and range of accommodations that will be provided in each course.

5. GRIEVANCE PROCEDURES

5.1 Whenever a student with a disability encounters what he or she believes to be institutional discrimination or harassment based upon his or her disability, the student should first seek a remedy with the appropriate university personnel who are nearest to the problem. If a solution is not achieved, the following procedures apply.

5.2 A student who feels that he or she has been subjected to discrimination or harassment within the university based on a disability must first discuss the situation with the Director of Student Disability Resources and Services. If the student is not satisfied with the director's resolution, he or she may file a written grievance with the ADA Compliance Committee. The written grievance must be filed by the student within thirty business days after the alleged discrimination or harassment occurred.

5.3 The ADA Compliance Committee will investigate and attempt to resolve the complaint, and make recommendations, using the following steps:

5.3.1 Review the grievance report from the student;

5.3.2 Gather any additional pertinent information from the student;

5.3.3 Gather any pertinent information from Student Disability Resources and Services;

5.3.4 Obtain a response and any additional information from the classroom instructor and/or other parties involved;

5.3.5 Consult with the Chief Diversity Officer and an attorney from the Office of General Counsel regarding applicable rule and legal requirements, as appropriate;

5.3.6 Document and assess the finding of facts, including those agreed upon and those disputed;

5.3.7 Attempt a resolution of the grievance between the student and the classroom instructor and/or other parties involved, if appropriate; and

5.3.8 Make a decision regarding the requested accommodations and/or alleged discrimination or harassment.

5.3.9 If an allegation of discrimination or harassment is found, the committee will consult with the Chief Diversity Officer and the Office of General Counsel to determine if any disciplinary action is necessary.

5.4 The ADA Compliance Committee will complete the investigation within fifteen business days unless extenuating circumstances warrant a longer period of time. The chair of the committee should produce a written report within ten business days of the committee's reaching a decision and provide a copy of the report to the student, the dean of the student's college, the Chief Diversity Officer, the Provost, the Vice President for Student Access and Success, the Executive Director of the area offering the program or service, and the Director for Student Disability Resources and Services.

5.5 All documentation related to the grievance will be placed in an Appeal Summary File located in the Office of the Provost.

6. APPEAL OF ADA COMPLIANCE COMMITTEE DECISION

6.1 To appeal the decision of the ADA Compliance Committee, the student must file a written request for review with the Chief Diversity Officer within ten business days of receiving a copy of the Committee's report.

6.2 The Chief Diversity Officer's review shall normally be based only on a review of the Appeal Summary File. However, the Chief Diversity Officer may choose to conduct an informal hearing at his or her discretion. If so, the student is afforded the right to representation at the informal hearing. The student shall provide written notice to the Chief Diversity Officer five business days prior to the hearing if a representative for the student will be present at the hearing. Active participation by an attorney or other individual on behalf of the student will not be allowed unless the university is represented by an attorney who actively participates in the hearing. Active participation includes directly questioning participants and/or speaking on behalf of a participant.

6.3 If the Chief Diversity Officer determines an informal hearing is not necessary, he or she will notify the student and the parties listed in Section 5.4 of his or her decision in writing within five business days of receipt of the appeal, unless extenuating circumstances warrant additional time.

6.4 If the Chief Diversity Officer determines an informal hearing is necessary, it must be held within five business days of receipt of the written request for appeal, unless extenuating circumstances warrant additional time. The Chief Diversity Officer shall make a decision either upholding or modifying the decision of the ADA Compliance Committee and will notify the student in writing of the decision within five business days following the informal hearing. A copy of the decision notice will be sent to the dean of the student's college, the Vice President for Student Access and Success, the Provost, the Executive Director of the area offering the program or service, and the Director of Student Disability Resources and Services. A copy will also be placed in the Appeal Summary File.

6.5 Retaliatory action of any kind is prohibited when taken against a complainant, witness, or other person participating in a discrimination, harassment, or related retaliation investigation, complaint, hearing, or suit.

Related Statutes, Policies, or Requirements

[Americans with Disabilities Act Amendments Act of 2008](#)

[Section 504 of the Rehabilitation Act](#)

Contact Office

Student Disability Resources and Services
903-886-5835