

Americans with Disabilities Act (ADA) Policy

UA-02



About This Policy

Effective Dates:

01-01-2007

Last Updated:

12-06-2018

Responsible University Administrator:

President, Indiana University

Policy Contact:

affirm@indiana.edu

Scope

1. All academic appointees, including faculty; staff; hourly employees; students; and volunteers at Indiana University. All university units.
2. Any questions regarding interpretation of this policy or procedures may be referred to the University ADA Coordinator.

Policy Statement

1. Indiana University is committed to maintaining an inclusive and accessible environment across all of its campuses. Ensuring that all members of the university community have access to facilities, information, and information technology associated with administration and services, coursework and instruction, programs, and university-sponsored activities is critical to the university's educational mission and is among its highest priorities. The Americans with Disabilities Act (ADA), the Indiana Civil Rights Act, and Indiana University policy prohibit discrimination against qualified individuals with disabilities in employment and educational programs. University websites must be accessible so that students, prospective students, employees, guests and visitors with disabilities have equivalent access to the information and functionality provided to individuals without disabilities.
2. Indiana University provides reasonable accommodations in the form of reasonable modifications to policies, practices, or procedures in order to make its services, programs, and activities accessible to qualified individuals with disabilities unless the modification would fundamentally alter the nature of a university service, program, or activity. These accommodations and adjustments must be made in a timely manner and on an individualized and flexible basis.
3. Individual students, staff, and faculty members are responsible for identifying themselves as an individual with a disability when seeking an accommodation or, specifically in the case of students, a modification to an academic program. Individual students, staff, and faculty members are also responsible for documenting their disability (from an appropriately licensed professional) and demonstrating how the disability limits their ability to complete the essential functions of their job or limits the student's participation in services, programs, or activities of the university. Medical documentation will be kept confidential.
4. Students, staff, and faculty members must maintain institutional standards of performance.

Procedure

The standard procedures for accommodation requests allow for an interactive process whereby the following occur:

1. A request for accommodation is made;
2. The appropriate documentation is provided to support the disability and the requested accommodation; and
3. A reasonable accommodation is made, if appropriate.

More detailed procedural steps based on the role of the individual seeking the accommodation are below.

1. Employees

- a. To request an accommodation under the ADA, employees must make a request to the designated office on their campus. Employees should include documentation of their functional limitations. Documentation of the disability should be timely and from appropriate professionals licensed to diagnose the type of disability the employee has. An initial request may be made through a departmental chair, HR representative, dean, or directly with academic affairs, but the requester should keep in mind that requests made are ultimately elevated to the designated office identified. Note: Unit employees who receive a request for accommodation should elevate the request to the designated office identified on the [ADA@IU website](#).
- b. After reviewing the documentation and the facts of each request, the designated office will determine if the employee is eligible for accommodations under the ADA.
- c. A member of the designated office will then facilitate a plan of reasonable accommodation. A member of the designated office will:
 1. Determine what documentation is needed to support the employee's request for accommodation;
 2. Clarify the responsibilities of the university and the employee throughout the process;
 3. Identify the essential and marginal functions of the position (if not already done);
 4. Discuss the employee's specific physical or mental abilities or limitations as they relate to the essential functions along with potential accommodations;
 5. Identify the accommodation that best serves the needs of the employee and the university.
- d. It is the responsibility of the designated office to determine the reasonable accommodation in a particular situation. The designated office will coordinate with the appropriate parties as necessary.
- e. The accommodation and any related documentation will be maintained by the designated office. Information will be shared only with those having an official need to know.
- f. The employee is responsible for contacting the designated office if reasonable accommodations are not implemented in an effective and timely manner. The designated office will work with the employee, and other parties as needed, to resolve disagreements regarding the recommended accommodation.

2. Students

- a. To request an accommodation under the ADA, students must file an application with the office serving students with disabilities on their campus.
 1. Requests for accommodations should be made far enough in advance to allow staff adequate time to coordinate needed services. Generally, it is best to request needed services before a semester begins or as soon as a disability becomes known.
 2. Students must provide documentation of their disability and how it limits their participation in the university's services, programs, or activities. Documentation of the disability should be timely and from appropriate professionals licensed to diagnose the type of disability the student has. Medical documentation will be retained by only the office serving students with disabilities and will be kept confidential.
 3. The office serving students with disabilities makes the determination of whether the student is eligible for accommodations under the ADA. The office serving students with disabilities and the student will then discuss what assistance is needed and, if requested, will provide information to relevant faculty members, information technology personnel, and/or the academic unit indicating the nature of the

accommodation required. Common examples of reasonable academic adjustments include but are not limited to extension of time for tests, private test settings, priority registration, etc.

4. If there is a discrepancy regarding requested accommodations, the office serving students with disabilities will facilitate discussions between the student and faculty member(s) and/or academic unit(s). It is the responsibility of the office serving students with disabilities to determine the reasonable accommodation in a particular case, taking into account the content of the course, the student's disability, and the documentation from an appropriately credentialed professional. Nothing in these procedures requires an academic unit to make accommodations that would fundamentally alter the nature of its academic program.
 5. Students are expected to discuss with their instructors the need for accommodations in their respective course. Faculty members are expected to discuss such matters privately and maintain confidentiality.
 6. Students are responsible for notifying the office serving students with disabilities if reasonable accommodations are not implemented in an effective and timely way. In the event that an accommodation is not implemented in a test-taking or similar situation, the student should address that with the faculty member, associate instructor, or proctor immediately and the amount of time necessary to implement the accommodation (e.g., to print a test paper with enlarged print or move the student to a quiet room) should be added back to the test time such that the student is not disadvantaged.
- b. To request an academic program modification under the ADA, students must file an application with the office serving students with disabilities on their campus and the application must be accompanied by documentation of their disability. Requests submitted directly to an academic unit will be referred to the office serving students with disabilities to initiate the process.
1. Documentation of the disability should be timely and from appropriate professionals licensed to diagnose the type of disability the student has. If the student is already receiving accommodations pursuant to Paragraphs B.1.a.-f. of these procedures, the student may, but is not required to submit additional documentation in support of the request for an academic program modification. The office serving students with disabilities may also request additional documentation if prior documentation does not adequately address the requested academic program modification.
 2. The office serving students with disabilities will forward the request and any other relevant information developed by that office to the appropriate official(s) in the academic unit and will serve as a resource as the unit makes its determination as to whether the requested academic program modification constitutes a fundamental alteration to the program. In addition to serving as a resource for the academic unit, the office serving students with disabilities will support the interactive process by facilitating requests for additional information and updates, if any, between the academic unit and the student. This process will be undertaken by using reasoned deliberation and will include a diligent assessment of available options. Nothing in these procedures requires an academic unit to make a program modification that would fundamentally alter the nature of its academic program.
 - a. The office serving students with disabilities will fully document in the student's file the date of the request for program modifications, the nature of each request and any supporting documentation, the reason(s) for any denials, and the interactive process that occurred between the university and the student.
 - b. The academic unit will consider whether the requested program modification constitutes a fundamental alteration to the academic program, which includes lowering its academic standards or compromising the rigor of the program.
 - c. The appropriate official in the academic program will notify the student in writing that the request for an academic program modification has been approved or denied in a timely manner and, if denied, the reason(s) for the denial. The student may appeal a denial of a request for an academic program modification to the Dean of the affected School no later than ten calendar days after the date of the denial. The Dean will make a determination on the appeal within ten calendar days of receipt of the appeal and will communicate that determination in writing to the student. The Dean's decision is final.

3. Complaint Procedure

- a. Employees or students who believe the university has not met its obligations under the ADA should consult with the university's ADA Coordinator, who serves all IU campuses and has overall responsibility for coordinating the efforts of the university to comply with the Americans with Disabilities Act (ADA).
The university ADA Coordinator will refer complaints to the appropriate campus or university office for investigation.

4. Website Accessibility

- a. All university websites published after November 1, 2016, are required to meet the accessibility standards set forth by Web Content Accessibility Guidelines (WCAG) 2.0 AA. University websites published prior to that date are also expected to meet accessibility standards and have been prioritized for review and update for compliance. Priority websites will be determined by the electronic and information technology (EIT) coordinator and the university chief compliance officer in consultation with the Office of the Vice President for IT and CIO/UITs and the Office of the Vice President and General Counsel.

Definitions

University Community consists of the members of the Board of Trustees, any employee of the university, including administrators, faculty, staff, temporary, and student employees, any individual using the university's resources or facilities or receiving funds administered by the university, and volunteers and other representatives when speaking or acting on behalf of the university.

Sanctions

Any violations of university policies by an individual will be addressed with in accordance with applicable university policies and procedures.

Additional Contacts

Employee Accommodations and Resources by Campus

Employees may navigate to the following pages to identify the designated offices on their campus:
[Employee Accommodations and Resources by Campus](#)

Student Accommodations and Resources by Campus

Students may navigate to the following pages to identify the designated offices on their campus:
[Student Accommodations and Resources by Campus](#)

University ADA Coordinator

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Office for Civil Rights

U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg
400 Maryland Avenue, SW
Washington, DC 20202-1100

Telephone: 800-421-3481

FAX: 202-453-6012; TDD: 800-877-8339

Email: OCR@ed.gov

Website: <http://www2.ed.gov/about/offices/list/ocr/index.html>

University EIT Coordinator

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History

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