



REGENT POLICY DOCUMENT 14-10
GUIDELINES FOR THE IMPLEMENTATION OF THE UNIVERSITY OF WISCONSIN
SYSTEM POLICY ON INDIVIDUALS WITH DISABILITIES

This document has been developed by the University of Wisconsin System President's Advisory Committee on Disability Issues and UW System Administration to guide institutions in implementing the Board of Regent's Policy 14-10, "Non-Discrimination on the Basis of Disability." The Policy is shown in italics; implementation guidelines for a specific section follow that section in bold type. Questions regarding the guidelines should be directed to the UW System Office of Academic Affairs.

Scope:

This policy applies to all educational programs, employment practices, and operations of the University of Wisconsin (UW) System and its institutions, and to the conduct of all students, faculty and staff that arises out of their employment or academic status, as well as to the conduct of all program participants, guests, visitors, vendors, contractors, subcontractors and others who do business with the UW System or its institutions.

Purpose:

The purpose of this policy is to express the Board of Regents' expectation that the UW System, its institutions and agents shall respect the rights of individuals under the Americans with Disabilities Act of 1990 (ADA), including changes made by the ADA Amendments Act of 2008, Section 504 of the Rehabilitation Act of 1973, The Wisconsin Fair Employment Act and other applicable state and federal laws that prohibit discrimination on the basis of a disability.

The Americans with Disabilities Act of 1990 (ADA)

ADA Amendments Act of 2008

Section 504 of the Rehabilitation Act of 1973

Resources: <http://www.ada.gov/>

The Wisconsin Fair Employment Act

Resources:

https://dwd.wisconsin.gov/er/discrimination_civil_rights/publication_erd_7899_p.htm

Policy Statement:

It is the policy of the Board of Regents that discrimination on the basis of a disability is prohibited. No otherwise qualified individual with a disability shall be denied access to or participation in any program, service, activity, or employment opportunity offered by the UW System or its institutions.

Disability means:

- (a) a physical or mental impairment that (1) makes achievement unusually difficult or limits the capacity to work and/or (2) substantially limits one or more major life activities
- (b) a record of such an impairment; or
- (c) being perceived or regarded as having such an impairment.

In addition, discrimination is prohibited against any person for exercising a right under federal or state disability laws or for assisting or supporting another in exercising such a right.

Students are qualified if they satisfy the essential eligibility requirements for participating in a program, service, or activity supported by the university with or without accommodation. Those requirements must be appropriate and defensible. The university does not have an obligation to admit an unqualified applicant to any program or discipline.

Employees are qualified if they can perform the essential functions of their position with or without accommodations and/or they can adequately undertake their job-related responsibilities with or without accommodation.

A visitor or guest is qualified, and thus has a right to appropriate accommodation, if he or she satisfies the requirements for eligibility with or without accommodation. For example, if eligibility for admission to a college theatrical production is predicated on possession of a ticket, then a person with a disability requesting accommodations would be otherwise qualified requirement.

Implementation:**A. University of Wisconsin System**

The President of the UW System shall appoint and maintain an Advisory Committee to provide information and recommendations regard to disability-related issues. The President shall also designate a person or office to be a resource to this Committee, to act as a liaison to other agencies, and to assure that each institution has developed the procedures required by this policy. The UW System Administration shall maintain operational guidelines for implementing this policy.

The UW System Presidents Advisory Committee on Disability Issues will have an appointed Chair by the President of UW System and have a broad representation across the UW campuses that may include but not limited to: faculty, disability services staff, library staff, facilities management, information technology specialist (IT), ADA Coordinator/Human Resources and two UW students. These guidelines need to be reviewed and, where necessary, revised on a regular basis.

B. UW Institutions

Each UW System institution shall undertake the following initiatives:

1. *Appoint an advisory committee, which includes students as members, to provide information and recommendations responsive to the needs and concerns of individuals with disabilities.*

Each campus should, in writing, clarify and make known the composition and role of its advisory committee. Committees should meet regularly, keep minutes, and be composed of faculty, staff and students. Committees should submit annual reports to the chancellor or the chancellor's designee.

2. *Implement policies, procedures or practices that are consistent with this policy and provide, at a minimum, the following:*

- a. *Notification of the institution's policies, procedures and/or practices in regard to the rights and protections of qualified individuals with disabilities in employment and the educational setting. This information shall be readily available in accessible formats to prospective and current students, employees, and guests on the institution's website.*

Institutions: Each institution shall clearly identify which units or departments are responsible for access and accommodations for different populations, facilities, and technology.

Students: Because pre-admission inquiries regarding disabilities are prohibited, the application does not present an opportunity to self-disclose. Once a student is admitted to the institution, information should be provided on how to access disability related accommodations in a written and electronic format that can be widely distributed. This information needs to clearly articulate the proper procedure for requesting accommodations and should be posted on the Disability Services Office (DSO) webpages.

Employees: Each year, employees shall be provided the policies and procedures for obtaining work related accommodation that should also be posted on the

Human Resources webpages. This information needs to clearly articulate the proper procedure for requesting accommodations and any forms necessary.

Guest: Institutions should provide prospective students and guests or visitors with information on how to request accommodations so that they may do so as early as possible. Therefore, campuses should include information on disability-related accommodations in their registration, promotional materials, mailings, electronic communications and communiqués to students, guests and employees.

- b. *A procedure(s) pursuant to which an individual may notify an appropriate institutional representative that he/she has a disability and request a reasonable accommodation. This process shall include a method under which confidential health-related information will be collected and maintained in accordance with the law.*

Students: Institutions should post their policies and procedures for obtaining accommodations on the DSO webpages. Student records relating to the nature of a disability should be kept separate from the normal educational record and should be consolidated at a single location, such as the DSO. Records pertaining to an accommodation of a disability are typically education records under [FERPA](#).

Employees: Employee documentation and records are maintained in the institution's human resources office. Institutions should post their policies and procedures for obtaining work related accommodation on their Human Resources webpages, including any necessary forms.

Guest: Each event or program should list how a guest can request a disability related accommodations on any registration or promotional materials including but not limited to website, mailings, electronic communications, posters, fliers or other promotional materials.

The accommodation request process is an individualized interactive process. As part of the interactive process, if an individual is qualified for accommodations, institutions may provide alternative accommodations that provide equal access. Individuals cannot delegate their responsibilities in the interactive process to anyone else.

Institutions shall have written policies and procedures for sharing, storing and protecting confidential information for students, employees and guests, the academic community must be informed of these procedures.

- c. *A procedure for evaluating requests to use service animals on institutional property and emotional support animals in residential dwellings owned, leased or controlled by the institution.*

Service Animals

Definition: A dog or in rare cases a miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the handler's disability.

Individuals with a service animal may be asked two questions:

- (1) is the dog a service animal required because of a disability, and**
- (2) what work or task has the dog been trained to perform.**

Individual should not be asked about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or be asked that the dog demonstrate its ability to perform the work or task. If an individual refuse to provide the above information, the University may refuse to allow the animal to enter or remain on campus property. Institutions may restrict animals to some spaces and environments based on safety.

Assistance Animal

Each university housing unit/department should develop and maintain policies and procedures for requesting and approving an assistant animal to live in university housing. Documentation should support the following:

- (1) Does the person seeking to use and live with the animal have a disability — i.e., a physical or mental impairment that substantially limits one or more major life activities?**
- (2) Does the person making the request have a disability-related need for an assistance animal? In other words, does the animal work, provide assistance, perform tasks or services for the benefit of a person with a disability, or provide emotional support that alleviates one or more of the identified symptoms or effects of a person's existing disability?**

Resource: [Fair Housing Act](#)

Students: Should contact the designated office, for example DSO or University Housing office, to initiate a request.

Employees: Employees who are reside in university housing should consult with human resources and complete the necessary disability accommodation process.

Guest: assistance animals are restricted to university housing residences, therefore there is no consideration for these animals.

- d. *A procedure under which a person may file a complaint or grievance for alleged violations of this policy or institutional policies or practices. This process must ensure the prompt and equitable resolution of the complaint or grievance, should be applicable to any anticipated disability-related complaint, including an appeal of a denied accommodation request, and should provide for resolution by an administrative official or panel.*

The role of the 504/ADA Coordinator or designee should be clearly defined and consistent with the campus organizational structure. The functions of the office serving as a resource on disability issues and determining accommodations should not be in conflict and separation of duties should apply from the individual or office responsible for investigating complaints of noncompliance with the ADA or Section 504.

- e. *A designated individual(s) in the appropriate units to coordinate efforts to implement and enforce the applicable policies, procedures and protections afforded to qualified individuals with disabilities.*

Each institution should publically post on their website who is the identified individuals or units for compliance for student, employee and guests.

3. *Ensure that its facilities, including new and existing facilities, are accessible in a manner that is consistent with this policy and compliant with state and [federal law](#).*

New and existing facilities should be encouraged to utilize a [Universal Design](#) approach. For remodeling, campuses should be encouraged to involve appropriately identified state holders or, Advisory Committees or other knowledgeable persons in the physical planning process. Maximum feasibility should be exercised.

New construction and remodels must comply with the federal, state, local and institutional requirements. Institutions are encouraged to focus on maximum functionality verses minimal compliance. Institutions are encouraged to have a reporting mechanism for individuals to report facility accessibility concerns and/or issues.

4. *Ensure that any University program, activity or event that occurs off-campus is readily accessible to all participants in accordance with state and federal law.*

Institutions should have written policies and procedures to ensure equal opportunity for the participation of individuals with disabilities in all off-campus activities.

Students educational requirements such as internship placements, study abroad programs, student teaching assignments and other external programs. These procedures should include the elements outlined in the policy (see Part III: Responsibilities, 2: UW Institutions, sections c (i) – how to request accommodations; (ii) – confirming disabilities; (iii) – protecting confidential medical information; and (iv) – providing accommodations).

Employees who are located on off campus work sites or attending an off campus event representing their institution should request accommodations from the host site.

Contracts with external partners should specify who is responsible for assuring accessibility and providing accommodations. The institution should make clear who is responsible for assuring that programs outside the United States are as accessible as is feasible for participating students. Ensuring equal opportunity means that programs must be accessible when viewed as a whole.

All registration forms (paper or electronic), program announcements and application materials should state that accommodations will be provided upon request and indicate how an individual may request an accommodation. Institutions are encouraged to develop a standard format or template of language to be included on such materials.

Contractual agreements should address any issues of facility access under ADAAA and state law and ensure that the facility is fully accessible. Programs and units utilizing off-campus sites must provide means of contact for individuals with disabilities to request accommodations. Every opportunity should be given for individuals to request accommodation well in advance.

5. *Ensure that its financial aid, admissions and enrollment practices, advising and placement services, and social organizations do not discriminate against individuals with disabilities.*

A qualified individual with a disability is someone who (with or without accommodations) meets the essential eligibility requirements for participation. An institution or program may not make any inquiry regarding possible disabilities prior to making an admission decision. However, institutions and programs must have processes in place to assure that all admitted students are informed of the procedures for disclosing disabilities and requesting accommodations.

If applicants for admission include materials regarding a disability with their applications, these unsolicited materials should not be weighed in the admission decision and forwarded to the appropriate DSO.

Institutions and programs may have a process in place to reconsider individuals not initially admitted who may have special circumstances -- including disabilities. The process may include the review of any additional solicited and unsolicited materials by individuals with the expertise to evaluate those materials, for example, the DSO staff. Only individuals who upon further review are deemed to meet the essential eligibility requirements should be admitted. Note: confidential documents relating to disabilities should not remain in admissions files.

Institutions and programs should exercise caution in determining that an individual does not satisfy the essential eligibility requirements of a program. Prior to doing so, they must make certain that the requirements, both academic and technical, are clearly articulated, necessary, and routinely enforced.

All student services office and departments such as academic advising and personal counseling services but not limited to, should be provided to students with disabilities with the same quality and accessibility as provided to all students.

Social Organization: Any recognized student/employee organization on campus should be required to state that it does not discriminate in its bylaws, and provide information on how it handles requests for accommodations in its print or electronic materials. Any discrimination by a student organization should be subject to disciplinary action against the offending organization.

6. *Ensure that all physical education courses, athletic programs and related activities, taken as a whole, provide an equal opportunity for the participation of qualified individuals with a disability, in accordance with eligibility requirements and state and federal law.*

Individuals should not be excluded from a physical education program or class if they have a disability that might require an accommodation or adaptation of the program or class. There should not be an automatic waiver of physical education courses, athletics or related activities because a student has a disability. Students with disabilities should be encouraged to fully participate in an integrated setting in physical education, as well as intercollegiate and intramural athletics.

7. *Ensure that electronic and information technology resources are accessible to and usable by qualified individuals with disabilities.*

UW System has adopted [Section 508](#) and W2C Guidelines.

Examples of accessible content are provide by [W3C Guidelines](#)

Priority should be given to creating accessible Web pages for core institutional information such as course work, registration, advising, admission, catalogs, and student services information. Units with large Web sites containing core institutional information should establish priorities for ensuring access to these pages according to the pages being used or requested most often

Each University Web site must contain an accessible link or a person to contact if users have trouble accessing content within the site. This would usually be the Web page developer or Webmaster. Note: The addition of a contact person is not sufficient, in and of itself, in meeting accessibility guidelines.

It is recommended that a variety of Web browsing software (including text-only browsers), different workstations, and evaluation tools be used to test access to Web pages.

In addition, each institution shall develop a process under which relevant statistical data and information can be collected, maintained and reviewed to assess the nature and extent of the services provided to individuals with disabilities in both an employment and educational setting. Each institution is also encouraged to provide training to faculty and staff in order to provide awareness and understanding of the legal rights of individuals with disabilities in regard to higher education.

Oversight, Roles, and Responsibilities:

Each chancellor or his or her designee shall be responsible for implementing institutional policies consistent with this policy. System Administration staff will assist institutions in their efforts to implement this policy, to answer specific legal or policy questions, and to provide information and materials on the subject of disability law compliance that may be useful in the drafting of definitions and procedures or in preparing education programs.

Institutions: Each institution shall clearly identify which units or departments are responsible for access and accommodations and compliance for students, employees, guests, facilities, and technology.

Related Regent Policies and Applicable Laws

RPD 14-6 Discrimination, Harassment and Retaliation

Wis. Stat. § 36.12 Student discrimination prohibited

Wis. Stat. § 106.56 Postsecondary education; prohibition against discrimination on basis of physical condition or developmental disability

Wis. Stat. § 106.57 Postsecondary education; accessible instructional material for students with disabilities

Wis. Stat. § 111.34 Fair Employment Act (Disability: exceptions and special cases)

42 U.S.C. § 3601 et seq. Fair Housing Act

42 U.S.C. § 12101 et seq. Americans with Disabilities Act

29 U.S.C. § 701 et seq. Section 504 of the Rehabilitation Act of 1973

ADA Amendments Act of 2008 (P.L. 110-325)

History: Res. 7346 adopted 12/6/96; replacing Policy 88-9 (established by Res. 5008 adopted 7/8/88).

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