

Policy 14-10 with Guidelines for Implementation

(Formerly 96-6) 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 Regents' 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.

I. POLICY STATEMENT

The University of Wisconsin System is committed to making individuals with disabilities full participants in its programs, services and activities through its compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990. The Board of Regents recognizes that individuals with disabilities may need accommodations to have equally effective opportunities to participate in or benefit from the university's programs, services and activities.

It is the policy of the University of Wisconsin System that no otherwise qualified individual with a disability shall be denied access to or participation in any program, service, or activity offered by the universities. Individuals with disabilities have a right to request accommodations. Individuals will receive appropriate accommodations to their needs in order to fully participate in or benefit from the university's programs, services and activities in a non-discriminatory, integrated setting.

The University of Wisconsin System and any of its agents shall not coerce, intimidate, retaliate against or discriminate against any individual for exercising a right under the ADA or Section 504, or for assisting or supporting another to exercise a right under the ADA or Section 504.

The University of Wisconsin System will not give significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit or service to beneficiaries of the university's programs.

This policy applies to students, program participants, visitors, and guests of UW System institutions.

II. DEFINITIONS

1. Disability means, with respect to an individual:

(a) a physical or mental impairment that substantially limits one or more of the person's major life activities;

Physical and mental impairments, as well as major life activities, are fairly well defined throughout case law and administrative decisions. In guidelines published by the Equal Employment Opportunity Commission (EEOC), "major life activities" are defined as "functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working." The

effects of learning disabilities, attention deficit disorders, and various psychiatric disorders on "learning and working" form the basis for considering affected individuals disabled under the law.

The parameters of "substantially limiting" are the most difficult aspect of determining eligibility under the definition of disability. There are no established criteria available for referencing whether a condition is in fact "substantially limiting." The ADA says that a disability is substantially limiting if a person is unable to perform a major life activity that the average person can perform or is significantly restricted as to the condition, manner, or duration under which he or she can perform the activity. A "disability" exists only where an impairment "substantially limits" a major life activity, not where it "might," "could," or "would" be substantially limiting if corrective measures were not taken. Second, because the ADA requires that disabilities be evaluated "with respect to an individual" and be determined based on whether an impairment substantially limits the individual's "major life activities," the question whether a person has a disability under the ADA requires an individual answer. Each situation must be evaluated independently, and in light of the available facts. Functional limitations imposed by the impairment can serve as a guide in determining a substantial limitation. Since each case must be considered individually, mitigating circumstances (i.e., conditions that modify the extent or character the impairment, e.g. medication) must be considered in determining whether an individual has a disability.

(b) a history of such an impairment; or

The intent of this condition is not to suggest that because an individual has a history of impairment, he or she is currently eligible under the law. Rather ADA, as a civil rights law, has the intent of ensuring that someone having a history of a disability is not discriminated against because of that disability. For example, someone with a history of major depression would be covered under the law to the extent that an academic program or employer could not use the depression as a reason for not admitting or hiring the individual.

(c) being regarded as having such an impairment.

An important goal of the third element of the disability definition is to ensure that persons with medical conditions that are under control, and that therefore do not currently limit major life activities, are not discriminated against on the basis of their medical conditions. An individual who is disfigured may not have any specific substantial limitations; however, others may perceive him or her to be disabled. Survivors of cancer also may be perceived as limited and thus disabled. Being previously regarded as disabled does not, in of itself, qualify anyone as being currently disabled.

2. A Qualified Individual with a Disability is someone who (with or without accommodations) meets the essential eligibility requirements for participating in programs, services, and activities provided by the university.

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. A visitor or guest is qualified, and thus has a right to reasonable accommodation, if he or she satisfies the requirements for eligibility. 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. On the other hand, if

individuals must audition to attend a music camp, a person with a disability would also be required to audition provided that the requirement is deemed an essential eligibility requirement.

3. Accommodation means adjustments including reasonable modifications to rules, policies, or practices; environmental adjustments such as the removal of architectural, communication, or transportation barriers; or auxiliary aids and services. Examples of accommodations include, but are not limited to: alternative testing, extended time, scribe, interpreter, environment free of distractions, brailled material, taped lectures, and computer-assisted instruction.

Most of the examples given in the policy are specific to auxiliary aids and services. There are, however, other adjustments that can be made. For instance, it may generally be allowable for a faculty member to deny students permission to tape lectures or for the campus to prohibit the presence of animals in buildings; however, denying a student with a disability an appropriate accommodation, for example the right to tape lectures or the right to have a service animal in the classroom, is impermissible. (Board of Regent Policy 77-5 provides that the student may be required to sign an agreement that they will not release the tape recording or transcript to others.)

4. Essential Eligibility Requirement means the academic or other technical standards required for admission to or participation in the university's programs, services, or activities which an individual must be able to meet with or without accommodation.

Universities need to exercise caution when determining whether an individual meets the essential eligibility requirements for an academic program. Prior to doing so, they must make certain the eligibility requirements, both academic and technical, are clearly articulated, necessary, and enforced in an equitable manner. Institutions and units are strongly encouraged to review eligibility requirements published in catalogues and program notices.

5. Individual means any person applying for admission to or participation in a program, service or activity of the university, or any person currently participating in a program, service or activity of the university.

For the purposes of this document the term individual refers to students, visitors and guests. It does not include employees. In cases where students are also employees, employment policies apply.

III. RESPONSIBILITIES

1. UW System Administration:

- a. The President of The University of Wisconsin System shall appoint and maintain an Advisory Committee to provide information and recommendations relating to individuals with disabilities.
- b. The President of the University of Wisconsin System shall designate a person or office to be a resource to the President's Advisory Committee, to act as a liaison to other agencies, and to assure that each institution has developed the procedures required by this policy.
- c. System Administration shall develop operational guidelines for implementing this policy.

These guidelines need to be reviewed and, where necessary, revised on a regular basis. In doing so, there should be broad representation from related areas.

2. UW Institutions:

a. Each Chancellor shall appoint an advisory committee, including students, 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.

b. Each Chancellor shall designate one or more individuals to coordinate its efforts to comply with and fulfill its responsibilities under Title II of the ADA and Section 504 and to investigate any complaints alleging the institution's non-compliance with Title II of the ADA and Section 504.

The role of the 504/ADA Coordinator 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 be separated from the individual or office responsible for investigating complaints of noncompliance with the ADA or Section 504. Because the ADA Coordinator may be expected to investigate complaints, it may be a conflict of interest if the ADA Coordinator is expected to also provide guidance to university staff and faculty. ADA coordinators should not be in the position of evaluating their own advice or guidance in the process of investigating a complaint.

c. Each institution shall adopt and make readily available in suitable formats (e.g., enlarged, Braille, audio-taped):

(i) a procedure which allows an individual, including both prospective and current students, to disclose a disabling condition and request accommodations believed needed to obtain equal access to and participation in university programs, services and activities;

Universities should provide prospective students with information on how to request accommodations so that they may do so as early as possible. Because pre-admission inquiries regarding disabilities are prohibited, the application does not present an opportunity to self-disclose. Therefore, campuses may wish to include information on disability-related services in their mailings and communiqués to students. This information needs to clearly articulate the proper procedure for requesting accommodations. This procedure should be in writing and widely distributed.

(ii) a procedure for confirming an individual's disability and assessing the appropriateness of the requested accommodations;

The first step in confirming an individual's disability is having documentation criteria. Unless a program specifies what is acceptable documentation, it cannot accurately assess whether or not the materials submitted by a student are, in fact, acceptable. The criteria should state the following as a minimum:

1. The documents must be prepared by an appropriate, treating professional;
2. Documents must be relevant and appropriately recent to support the accommodation requested;
3. Documents must address the functional limitations proscribed by the impairment;
4. A specific diagnosis must be provided;
5. The level of severity must be indicated;

6. The major life activities limited by the impairment must be noted; and

7. how, if applicable, the impairment affects learning in higher education should be stated.

Documentation criteria should state that students are responsible for submitting comprehensive disability documentation. If students provide incomplete documentation, the university has the right to require additional supporting materials satisfying the stated documentation criteria. If the documentation is complete but the program questions its validity, the university may ask the student to participate in a second-opinion assessment at the university's expense.

Assessment of requested accommodations includes the following: (i) a review of the documentation, (ii) consideration of the student's expressed needs, (iii) a review of prior service use, (iv) professional judgment, and (v) consideration of the academic program's specific characteristics. Accommodations may not fundamentally alter the nature of the academic program or cause an undue administrative or financial burden.

(iii) a procedure for sharing, storing and protecting confidential medical information;

Universities shall have written policies and procedures for sharing, storing and protecting confidential information; students and the academic community must be informed of these procedures. 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 Disabled Student Services Office (DSS). Records pertaining to an accommodation of a disability are typically education records under FERPA. Accordingly, they can be shared with appropriate university personnel on a need-to-know basis. Only in rare circumstances should the actual disability documentation be shared with individuals outside of the DSS office. Before sharing disability documentation, DSS staff may wish to seek a legal opinion.

(iv) a procedure for providing accommodations.

Procedures for providing accommodations must be in writing and widely distributed. They should include the role and responsibilities of the student, Disabled Student Services (DSS) and others in the institution and address both academic and extracurricular areas.

d. Each institution shall maintain data on the nature and extent of the services provided to individuals with disabilities. System Administration will develop data collection requirements as part of the operational guidelines for implementing this policy.

Institutions must follow UW System's operational guidelines for collecting data and reporting information. Copies are available from the UW System Office of Academic Affairs. In addition, institutions should maintain data on requests for accommodation and what their responses to those requests have been.

e. Each institution shall provide accommodations to allow individuals with disabilities to participate in or benefit from the university and its programs, services and activities in the most integrated setting appropriate.

Laws applicable to this policy intend to assure that individuals with disabilities have equal access to the same opportunities as their peers without disabilities. To this extent, institutions are instructed to provide

services and activities in the most appropriate integrated setting. For example, students needing attendant care should not be automatically excluded from a university's roommate assignment program. In the same vein, creating a separate computer lab for students with disabilities rather than modifying existing labs to make them accessible is not appropriate under this provision.

f. Each institution shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would violate Title II of the ADA or Section 504. These procedures should be applicable to any anticipated complaint, including an appeal of a denied accommodation request.

One of the most common errors institutions make in implementing the ADA is not having a thorough and formal grievance and appeal process for students. The Office of Civil Rights has concluded that institutions, while coming to a reasonable conclusion regarding requests for accommodations, violated the students' rights by not adopting and publishing formal grievance procedures for resolving disability related complaints.

Campuses may use existing appeals and grievance procedures for resolving disputes, or they may establish separate procedures for disability related issues. Denials of requests for accommodation should never be made unilaterally.

g. An institution will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures that are required to comply with the provisions of Section 504 and the ADA.

Institutions may not levy surcharges for accommodations or services that are mandated under Section 504 and the ADA. This does not prohibit colleges from charging for optional services of a personal nature such as tutoring, attendant care, or physical therapy provided the charges are comparable to those paid by other students. Additionally, colleges charging students for parking may also assess students with disabilities for accessible parking provided that the charges are comparable to those paid by other students.

h. An institution will provide funding for auxiliary aids while an individual's application for funding by other agencies is being reviewed.

Institutions have the responsibility for ensuring that qualified individuals with disabilities receive the necessary auxiliary aids (e.g., interpreting, notetaking, and reading) for obtaining equal access to educational opportunities.

Even if the student is a client of DVR, the institution must pay for and provide services if DVR declines to provide funding. Furthermore, institutions may not require students to apply for funding from other agencies. Institutions are encouraged to develop relationships with local DVR offices and to make appropriate referrals whenever possible.

i. Each institution shall provide periodic in-service training for faculty and staff to develop their awareness and understanding of the needs of individuals with disabilities and legal compliance issues.

Campuses are encouraged to use existing opportunities to provide in-service training for faculty and staff. Because people tend not to want information until they need it, establishing training mechanisms

that provide information in a timely and convenient fashion is most effective. For example, developing a comprehensive Web page may be as valuable as scheduling a series of lunch discussions.

3. Individuals with Disabilities:

a. Each individual is responsible for making timely and complete disclosures and specific requests regarding accommodations to meet his or her particular needs in order to enable the UW institution to provide an appropriate response. It is strongly recommended that requests for accommodations be made at least eight weeks prior to the date they would be needed to avoid delays which could affect participation in a program, service, or activity.

Students seeking accommodation have an obligation to disclose disabilities, to provide documentation, and to make requests for accommodation as provided in the published policies of the institution. The more thorough the documentation, and the more timely the request, the easier it is to respond effectively. Sometimes students do not provide adequate documentation, or do not make timely requests. However, it is unwise for universities to reject requests for accommodations simply because they are submitted late. The recommendation that requests be made at least eight weeks in advance is a suggestion intended to avoid delays. However, the eight-week notice should not be construed as a requirement. For one-time events, such as lectures or professional development courses, an eight-week notice is unreasonable. Clearly, a student needing interpreters for 15 credits is prudent to submit requests as far in advance as possible to ensure participation.

Institutions should accept any request for accommodation, even a last minute request, and give it ample consideration.

b. Each individual seeking accommodations based on a disability shall demonstrate initiative in obtaining and arranging accommodations. If requested, institutions will assist an individual in making the necessary applications for funding from other agencies.

The University recognizes that persons participating in the programs, services, and activities of the University may be seeking assistance and accommodations from federal, state, and local agencies beyond those that the University is required to provide. The Coordinators of Services for Students with Disabilities or other institutional designee should make reasonable efforts to assist those individuals seeking support from these other agencies. It is recommended that on-going relationships should be developed with local agencies to facilitate this interaction.

c. Each individual is required to submit documentation verifying his or her disability and limitations which is appropriately current and prepared by a qualified professional. Individuals submitting incomplete information may be asked to provide additional verifying documentation. Individuals may be required to participate in additional evaluations needed to determine the individual's eligibility for an accommodation or what constitutes an appropriate accommodation.

Universities cannot predict which students have disabilities and/or need accommodations. Thus, the obligation falls on the student to notify the institution and to provide adequate documentation. It is incumbent upon students to indicate a need for auxiliary aids, services and/or accommodations. Students may not understand all the ramifications of how a disability may impact their education. Institutions therefore have a duty to provide information on available services and to evaluate a

student's needs beyond merely responding to requests. For example, a student may discuss a need for notetaking due to a hearing loss but may be unaware of the availability of assistive listening systems.

d. The university shall not require an individual with a disability to accept an accommodation, aid, service, opportunity or benefit under any circumstances.

Institutions have decision-making authority in determining reasonable accommodations; however, they cannot impose particular accommodations. In the area of communications, the ADA specifically requires entities to strongly consider individual preferences. However, if the requested accommodation does not relate to communication, the institution is permitted greater discretion in determining the form of the accommodation. See also section V.4, pages 13-15.

e. Students with disabilities are expected to abide by the student conduct code in the same manner as all students.

Disability law focuses on equal opportunity, not preferential treatment. On occasion, individuals with a disability may suggest they are exempt from normal societal obligations due to the impact of a disabling condition. Generally, this is not true. For example, a student with Tourette's Syndrome who repeatedly blurts out obscenities in class may be otherwise qualified to participate in the academic environment; however, if the outbursts are so undisciplined as to disrupt the instructor's ability to conduct class, then it may be legal and fair to require the student to withdraw. The issue is whether or not the outbursts truly "disrupt" the class. If they are occasional and annoying, the student may be qualified.

Another example: Students with a mental illness are expected to follow the same established codes of conduct other students must. Focus should be on behaviors, not diagnosis. If a student's behavior is in violation of established campus conduct codes, he or she should be treated the same as other students, regardless of the presence of a disability. A mental health condition is not a defense for inappropriate behavior. Institutions are encouraged to take health conditions under consideration when reviewing conduct violations.

IV. FACILITY ACCESSIBILITY

1. Existing Facilities:

a. Structural changes in existing facilities are not required when other methods provide program accessibility. Existing facilities shall be made readily accessible to qualified individuals with disabilities, through such means as:

(i) Redesigning equipment or the facility after case review.

(ii) Providing appropriate signage.

(iii) Reassigning classes, staff, or services to accessible sites.

(iv) Delivering health, advisory, and support services at accessible sites.

Not every entry to a facility needs to be accessible to make the building as a whole accessible. Structural changes are not necessary if other methods provide program access.

Questions often center on what "other methods" might be used to provide program accessibility. Increasingly, distance learning technologies provide an alternative; however, such alternate methods should not be restricted to students with disabilities, nor should they result in the segregation of students with disabilities. Additionally, there may be more than one way of providing access. For example, a student who is deaf or hearing impaired may be provided with interpreting services for a theatre production, access to a wireless sound system, or even a play script, if the person lip-reads. The important issue is the quality of the experience and students' participation in the most integrated setting appropriate to their needs.

If there is a long-standing access problem with a facility, best efforts should be made to initiate needed structural changes to accommodate students with disabilities.

Students may not be excluded from a specifically requested course offering, program or other activity because it is not offered in an accessible location. However, every section of a course, program or activity need not be accessible.

Institutions should develop a mechanism for regularly reviewing access problems on campus and for identifying feasible solutions. As noted below, these studies should be integrated into campus planning processes.

b. Remodeling projects which affect the usability of a facility or any part of a facility shall, to the maximum extent feasible, be completed in such a manner that the facility is readily accessible to and usable by persons with disabilities.

Campuses should involve DSS coordinators, students with disabilities and other knowledgeable persons in the physical planning process. State-funded remodeling projects will bring facilities to code and afford disability access, but there should be an opportunity for the perspectives and needs of users with disabilities to be considered. Institutional remodeling projects must be designed and built so that they and their elements are accessible to students with disabilities.

c. Evacuation procedures shall be developed by each institution for individuals with disabilities.

Institutions must have a written, building-specific plan that describes procedures for evacuating persons with disabilities. Its development should involve emergency agencies (fire/police), campus security, cleaning staff, etc. The plan must outline who has responsibility for evacuating individuals with disabilities. The plan must be periodically updated with the physical plant and emergency personnel involved. It must be regularly disseminated and available to users of each building. Regular staff training in evacuation procedures should be provided; for example, residence hall staff should be trained annually.

2. New Construction:

Each facility or part of a facility constructed by, on behalf of, or for the use of the university must be designed and constructed in such a manner that the facility is readily accessible to and usable by persons with disabilities.

New construction must conform to the American with Disabilities Act Guidelines for Buildings and Facilities (ADAAG). Campuses should involve persons knowledgeable about the needs and interests of students with disabilities in the planning process.

3. Off Campus:

Contractual or lease agreements for the use of off-campus facilities should reflect efforts to secure accessibility. Any program, service, or activity in that facility must be accessible.

Outreach activities frequently provide classes, programs and events in private facilities. Institutions should not enter into leases for inaccessible space. Contractual agreements should address any issues of facility access under ADA, and registration materials should provide individuals the opportunity to state their need for accommodation (access, large print, interpreters, etc.). Every opportunity should be given for individuals to request accommodation well in advance, though it is once again emphasized that last-minute requests should not be arbitrarily denied.

V. EDUCATIONAL PROGRAMS AND ACTIVITIES

1. Admissions or Enrollment:

a. No information regarding an applicant's disability may be solicited to determine admission to the university. However, such inquiries may be made after an individual has been admitted for purposes of providing appropriate accommodations.

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.

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, Disabilities Services 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.

b. The number or proportion of individuals with disabilities who will be admitted or enrolled may not be limited solely on the basis of disability.

No quota may be established related to individuals with disabilities.

c. Tests administered for purposes of admission, enrollment, or placement may not discriminate.

See section on testing which follows.

2. Testing:

a. Before tests are selected and administered, campuses first should confirm that assessments do not discriminate by ensuring that:

(i) Tests are selected and administered so that the results reflect aptitude or achievement level, or whatever other factor the test purports to measure, rather than the applicant's disability, unless the existence of a disability must be determined to allow an individual access to a program, services or activity established for individuals with disabilities.

(ii) The tests administered to individuals with disabilities are available as regularly and in as timely a manner as are other admissions tests. The individual is responsible for making special needs known in a timely manner.

For the purposes of the University of Wisconsin System Policy on Individuals with Disabilities, Section V.2 (Testing) refers to tests or assessments used in determining eligibility for academic programs. These include, but are not limited to: SAT, ACT, GRE, MCAT, LSAT, TOEFL, Journalism Usage Test, English or math placement tests, and foreign language placement exams.

An example of a test measuring an applicant's disability rather than their aptitude or achievement could be an individual using adaptive equipment being given a timed test. Use of adaptive equipment often requires the student be given more time to complete the exam. Thus, results of a timed exam would reflect the applicant's disability more than his or her aptitude. Another example: one-third of the TOEFL (Test of English as a Foreign Language) measures listening comprehension; it might be discriminatory when administered in full to a deaf applicant. Evaluating the deaf applicant on two-thirds of the exam may be a reasonable accommodation.

In order to qualify an applicant for a specialized LD program, a neurological examination intended to determine the presence of a learning disability would be an example of a test measuring an individual's disability that is allowable.

Placement or other comparable exams need to be offered to applicants with disabilities in the same manner and frequency as they are offered to non-disabled students. For example, if standard placement tests were offered only on Saturdays, every effort should be made to schedule the accommodated exam at a similar date and time. As always, the individual is responsible for making accommodation requests. Establishing reasonable deadlines is allowable.

Standardized testing services like ACT are covered under Title III, Public Accommodations of ADA, and therefore must provide accommodations for their tests.

Current issues in respect to standardized testing include: a) whether applicants can be required to test or if qualifying factors merit a waiver; b) what are the appropriate accommodations for standardized tests; and c) should scores be flagged when reported to institutions? Because regulating agencies and the courts continue to struggle with these issues, disability services staff are advised to seek guidance from university counsel when making recommendations for accommodation.

Institutions offering computer based tests and WEB based tests must assure that they are accessible.

3. Off-campus Activities:

If a program is not wholly operated by the university but requires student participation (for example, internships, co-op, and student teaching assignments), the institution shall attempt to assure that these activities, as a whole, provide an equal opportunity for the participation of individuals with disabilities.

Prospective enrollees for UW-Extension and university outreach programs are responsible for making requests for any special modifications or auxiliary aids. Registration forms and program announcements must allow applicants to identify special needs and request accommodations.

Institutions should have written policies and procedures to ensure equal opportunity for the participation of individuals with disabilities in all off-campus activities 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). 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. For instance, a professional internship is required for students to complete a degree. Must every business location used for internship placement be accessible? Not if the type of business opportunity is available in other locations that are accessible, and students with disabilities have choices. Students with disabilities must not be segregated.

Student teaching is a required part of teaching degree programs. If the program (e.g., elementary education, a magnet school or special education program) is available in multiple locations, not all buildings need be accessible. On the other hand, if the majority of buildings in a school district are inaccessible, or an inaccessible building has a program that is not available in another location, institutions should request accessibility enhancements or not use them for student placement.

All registration forms, program announcements and application materials should state that reasonable 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.

4. Accommodations:

a. **ACADEMIC REQUIREMENTS**--Academic requirements shall be modified, as necessary, so that they do not discriminate against qualified individuals with disabilities.

Modifications should not affect the substance of educational programs or compromise educational standards, nor should they intrude upon legitimate academic freedom. Modifications may include changes in the length of time permitted for the completion of degree requirements (including credit load), substitution of specific courses required for the completion of degrees, and adaptation of the manner in which specific courses are conducted. For example, a campus may permit an otherwise qualified student who is deaf to substitute an appropriate history, international education, or cultural studies class for a general education foreign language requirement. However, academic requirements

that are essential to programs of instruction or to any directly related licensing requirement (e.g., licensing for physical therapy or nursing) need not be waived.

Institutions are advised to review course and degree requirements thoroughly and carefully to ensure that such requirements are essential. Requirements should be in writing, communicated clearly to all students and available in alternative format.

b. PROGRAM EXAMINATIONS AND EVALUATIONS--Examinations or other procedures for evaluating an individual's academic achievements should, where necessary, be adapted to permit evaluating the achievement of individuals who have a disability, rather than reflecting the individual's disability.

It is the student's responsibility to request test accommodations as soon as possible, preferably at the beginning of the program/course according to the procedures outlined by the institution. Testing accommodations are individually determined, based on documentation, and may include but not be limited to:

- enlarged materials
- oral test
- taped test
- extended time
- reader
- environment with minimal distractions
- preferential seating (front, etc.)
- alternate format
- writer, scribe
- computer-assisted
- Brailled material

Testing accommodations may be provided by the instructor/faculty member or at an alternative-testing site (e.g., disability services unit, testing center, etc.) Testing accommodations should not, however, change the substance of the test, lower applicable academic standards, or otherwise compromise the integrity of the program.

c. ACADEMIC SUPPORT SERVICES--No participant with a disability in a university program or activity shall be denied the benefits of, be excluded from participation in, or be otherwise discriminated against in the provision of educational support services available to all individuals in general.

Student support services such as academic and career advising, counseling and remedial or tutorial programs serve all students. In addition to these services, accommodations and educational auxiliary aids should be available for qualified students with disabilities; they may include, but need not be limited to:

- accessible parking
- registration assistance
- supplemental orientation
- reader services
- notetaker services
- referral to appropriate on or off-campus resources, services, or agencies
- interpreter services, assistive listening devices, or real time captioning for the deaf/hard of hearing
- arrangements for specialized auxiliary aids for document conversion, including tapes, Brailled materials and electronic texts

Computers and other technologies that are made available for student use must be made accessible through the provision of assistive technologies. Since the Internet and Web based courses increasingly provide educational access, they must also be usable by students with disabilities.

All auxiliary aids, services or other accommodations used by individuals with disabilities to provide access to university programs, services, and activities need not be on hand or present at all times.

Institutions should have a written plan for obtaining services in a timely manner. For example, readers need not be available in libraries at all times if an adequate schedule for readers' services is established, and a Braille library need not be maintained if Brailled materials can be obtained as needed in a timely manner. Again, it is the responsibility of the student to request the necessary accommodation or auxiliary aid and to do so in a timely manner as well in advance as possible. Although students may not be denied an accommodation if advance notice is not given, provision of services may not be as prompt or timely as it can be with advance notice/requests. Institutions should put suggested time frames in writing to be included in admission/registration/disability services materials.

The university does not provide individuals with disabilities with personal devices or assistance for personal use, including but not limited to wheelchairs, eye glasses, hearing aids, personal assistance for eating or dressing, or readers for personal use.

Additionally, personal computers and tutors (unless available to all students) are not required. Although not required to provide personal devices, the institution may provide assistance through referral to community agencies, services and the Division of Vocational Rehabilitation. Prohibition against the use of tape recorders or Brailers in classrooms, or service animals in campus buildings, or other rules that have the effect of limiting the participation of qualified students in educational programs or activities may not be imposed. Students or participants in university programs or activities may be required to sign an agreement that they will not release tape recordings or transcription of lectures, or otherwise hinder the ability of a professor to obtain a copyright (see Regent Resolution 77-5).

Accommodations shall not fundamentally alter the nature of the program, service, or activity; require waiver of essential program or licensure requirements; violate accreditation requirements; unnecessarily intrude on academic freedom; or pose an undue fiscal or administrative burden on the institution.

Though substitutions may be granted to qualified individuals and academic requirements modified to ensure non-discrimination, institutions are not mandated to waive program or licensure requirements or in any way fundamentally alter a program or service. It is critical that institutions, as a part of curricular revisions and reviews, regularly consider course requirements, technical standards, and programs to ensure that all requirements are in writing, essential, and can be substantiated.

The university retains authority in determining appropriate accommodations after giving consideration to the wishes of the individual, the documentation provided, and institutional expertise in working with individuals with disabilities.

Since final authority regarding the determination of appropriate accommodations rests with each institution and its chief executive officer, it is incumbent on the institution to have available staff who are well-trained, experienced, and knowledgeable regarding disability and legal requirements. In making accommodations and accessibility decisions, campuses are urged to consider their specific circumstances, the experience of other post-secondary institutions (including UWS institutions), legal advice and legal precedents. Also see III.3.d, page 8.

5. Physical Education, Athletics, and Related Activities:

Each institution shall require that all physical education courses, intercollegiate and intramural athletics, and related activities, taken as a whole, provide an equal opportunity for the participation of qualified

individuals with a disability. Individuals who cannot participate in standard physical education courses or compete in athletic programs with or without accommodation because of a disability may be offered alternates that are separate or different, provided that the programs and activities are operated in the most integrated setting appropriate. If accommodations are not possible in a required course, a procedure for requesting a substitution should be available.

Students should not be excluded from a physical education program if they have a disability that might require an accommodation or adaptation of the class, e.g., a student in a wheelchair could not be denied the opportunity to enroll in a regular archery course, nor a deaf student be excluded from participating in a wrestling course. There should not be an automatic waiver in physical education courses, athletics and related activities because a student has a physical or sensory disability. Students with disabilities should be encouraged to fully participate in an integrated setting in physical education, as well as intercollegiate and intramural athletics.

6. Insurance:

For institutions which provide insurance plans and health services, the university shall afford these benefits to qualified persons with disabilities in a manner consistent with ADA. A student health center must provide the same types and levels of service for all students, non-disabled and disabled. In addition, student health centers should be prepared to provide individuals with disabilities with information about where specialized health services may be obtained, if these services are not provided at the center.

If an institution endorses supplementary insurance, it needs to review the policy to ensure it does not place limits on health services to students with disabilities. Institutions may not endorse any health plans that discriminate.

7. Housing:

a. ON-CAMPUS HOUSING--Where a university provides on-campus housing/food services, it shall provide comparable, convenient, and accessible services at the same cost to individuals with disabilities.

b. OFF-CAMPUS HOUSING--Where a listing of private off-campus housing is provided by any university office, it should identify those units that are accessible to individuals with disabilities.

It is important that the university include instructions for requesting accommodations on its housing contract. There should also be open communication between the office providing services for students with disabilities and residence halls to ensure that requested accommodations are completed in a timely fashion. The food contracts should be written so that there is an opportunity to indicate special dietary restrictions for qualified individuals with a disability. Students with disabilities should participate in the roommate arrangement process in the same manner as all students.

8. Financial Aid:

Financial aid awards may take into account the special needs of individuals with disabilities. Adjustments to awards as allowed by the rules or regulations governing the financial aid program may be made by the financial aid service.

There should be communication between Disability Services and the Financial Aid office to assure that students with disabilities who need to take a reduced credit load because of that disability are not penalized for it. When the disability causes the student to take less than a full load, there should be a mechanism that will assure the student receives benefits provided to students without disabilities (e.g., housing, access to recreational facilities on campus). If a reduced load is taken, the financial awards are required to be adjusted to comply with federal regulations.

9. Student Employment:

The University of Wisconsin System complies with Title I of the Americans with Disabilities Act and Section 504 so that students with disabilities have an equal opportunity to participate in institutional employment opportunities.

Student employees with disabilities are covered by the same provision that protects all employees of the UW System. Students with disabilities should be encouraged to apply for positions. To further this end, two actions are recommended: 1) guidance should be given to those who have authority to hire students regarding non-discrimination and their obligation to accommodate student employees with disabilities, and (2) students should receive information regarding their employment rights and responsibilities.

10. Advising, Counseling and Placement Services:

Institutions shall not counsel or advise qualified individuals with disabilities toward more restrictive career objectives than non-disabled individuals with similar interests. This does not preclude providing factual information about licensing and certification requirements that may present obstacles to individuals with disabilities in their pursuit of particular careers.

In-service opportunities addressing ADA and how it pertains to employment opportunities should be afforded to counselors, advisors and placement service personnel. Counselors should be able to refer students with disabilities to resources that discuss the technical standards of various professions. These resources should be available in alternative formats. Academic advising and personal counseling services should be provided to students with disabilities with the same quality and accessibility as provided to all students.

11. Social Organizations:

Before providing official recognition or assistance to fraternities, sororities, or other campus organizations, institutions shall request and obtain assurance that the organization does not permit actions prohibited by this policy.

Any recognized student 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 brochures. Any discrimination by a student organization should be subject to disciplinary action against the offending organization.

Institutions should develop written policies that delineate who bears fiscal responsibility for providing mandated accommodation in curricular, co-curricular and extra curricular settings.

Adopted by Board of Regents July 8, 1988 as UW System Policy and Guidelines Applying to Nondiscrimination on the Basis of Disability.

Amended December 6, 1996 as University of Wisconsin System Policy on Individuals with Disabilities.

February 27, 2002