

DISABILITIES POLICY

Purpose: Title I of the Americans with Disabilities Act generally prohibits discrimination with respect to the terms and conditions of admission, educational services, or employment against a qualified individual with a disability, solely by reason of such individual's disability. In compliance with this Act, WSU Charter Academy has established the following procedure to be followed by site administrators and supervisors in responding to requests for reasonable accommodation from qualified applicants or employees with disabilities.

Policy: All students who meet the definition of an individual with a disability will be evaluated, identified, and provided with Free Appropriate Public Education (FAPE) as applicable. WSU Charter Academy will make available to all eligible children with disabilities a free appropriate public education in the least restrictive environment according to their needs.

Parents of children with disabilities are entitled to procedural safeguards, including individual notice and an impartial hearing. If parents have a disability discrimination complaint, relevant information for the grievance procedure is available at the WSU Charter Academy office.

1. Monitoring Responsibility

Weber State University's Americans with Disabilities Act Coordinator (hereafter "ADA Coordinator"), as identified in Policy and Procedures Manual (PPM) Section 3-34 II, will monitor and coordinate the application of this procedure.

2. Procedures

- a. Definitions relating to this policy are found in PPM 3-34 II.
- b. Procedures for filing of requests for accommodations are listed in PPM 3-34 III.
- c. Response to requests for accommodations, issuance of decisions to deny accommodations, and appeals procedures are found in PPM 3-34 IV – VI.
- d. The classification and treatment of records relating to requests for accommodations is detailed in PPM 3-34 VII.
- e. Relations to other laws (PPM 3.34 VIII).

This rule does not prohibit or limit the use of remedies available to individuals under the Utah Anti-Discrimination complaint procedures, Section 67-19-32; the Federal ADA complaint procedures (28 CFR Sub-part F. beginning with Part 35.170, 1990 edition); or any other Utah or federal law that provides equal or greater protection for the rights of individuals with disabilities.

3. References

Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 et seq., Americans with Disabilities Act, CFR 28 § 35.140 - Employment discrimination prohibited Americans with Disabilities Act, CFR 29 § 1630.1 et seq. - Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act .

Americans with Disabilities Act & Section 504 Request for Accommodation

No. 3-34	Rev.	Date 3-12-96
----------	------	--------------

(http://www.weber.edu/ppm/Policies/3-34_ADA.html)

I. POLICY

It is the policy of Weber State University to eliminate discrimination against individuals with disabilities, and to assure equality in providing services, activities and programs to all university constituents, (students, employees, applicants, and patrons). Title II of the Americans With

Disabilities Act, Sec. 202, states, in part, "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of, the services, programs or activities of a public entity, or be subjected to discrimination by any such entity." In that spirit, WSU personnel shall work cooperatively with those who request accommodation in order to provide access to the programs, services and activities when viewed in their entirety, and they shall attempt to discover an opportunity to provide accommodation in a manner favorable to every qualified individual with a disability who requests such accommodation. Therefore, Weber State University, pursuant to 28 CFR 35.107 herein adopts, defines, and publishes a procedure for receiving and responding to requests for accommodation. Further, Policy and Procedure #3-32 establishes a procedure to provide equitable resolution of disputes regarding requests for accommodation.

II. DEFINITIONS

A. "The ADA Coordinator" means Weber State's designated individual, or his/her designee who has responsibility for investigating and providing prompt and equitable resolution of requests for accommodation made by qualified individuals with disabilities.

B. "The ADA Committee" means that committee appointed by the President's Council of Weber State University. The committee shall meet as often as needed, but not less than once per quarter, and review reports, requests for accommodation, barrier remediation issues, accommodation actions, personnel actions involving the disabled, and for such other business as may be required.

C. "Qualified Individual With a Disability" means a person whose physical or psychological condition (other than those conditions excepted by Title I of the ADA) substantially limits one or more of her/his major life activities and who meets the essential eligibility requirement for the receipt of services or the participation in programs or activities provided by Weber State University, or an otherwise qualified applicant for vacant employment positions, and those who are employees of Weber State University.

D. "Major Life Activities" means functions such as caring for one's self, performing manual-tasks, walking, seeing, hearing speaking, breathing, learning, and working.

E. "Americans With Disabilities State Coordinating Committee" means that committee formed by the State of Utah to implement the Americans With Disabilities Act. It is a consultative body designed to address: (1) ADA user group requests; (2) agency complaint resolution proposals requiring unforeseen budget, facility and employee accommodations; and (3) recommended changes to state statutes and agency ADA complaint procedure rules. The committee will address other ADA issues when needed.

III. FILING OF REQUESTS

A. A request for accommodation when made by a student shall be made to the Center for Students with Disabilities and when made by an employee shall be made to the ADA Coordinator or the Assistant Vice President for Human Resources. A request for accommodation may be given to the supervisor or instructor of the requester, in written form (or in another format which is accessible to both the individual and the supervisor and instructor), in a timely manner to assure prompt, effective assessment and consideration; or in the case of an identified need for accommodation, as soon as the need is known. Any instructor or supervisor receiving a request for accommodation is encouraged to accommodate the request on a temporary basis, if it appears reasonable, but is not authorized to refuse such request before following the procedures outlined below.

When students seek accommodation in a regularly scheduled course, they have the responsibility to make such requests at the Center for Students with Disabilities before the

beginning of the quarter in which the accommodation is being requested. When a student fails to make such arrangements, interim accommodations can be made by the instructor, pending the determination of the request for a permanent accommodation.

B. If the request is not accommodated, the supervisor or professor shall refer the request to the ADA Coordinator of WSU, in the form described below, as soon as possible, but no later than ten (10) working days from receipt of the request.

C. Each request forwarded to the ADA Coordinator of WSU shall:

1. Include the requesting individual's name and address;
2. Include the nature and extent of the individual's disability as shared by the requesting individual;
3. Describe the requested accommodation in sufficient detail to determine its appropriateness; and
4. Be signed by the requesting individual or by his/her legal representative.

D. Requests filed on behalf of classes or third parties shall describe or identify by name, if possible, the intended beneficiaries of the request.

IV. RESPONSE TO REQUEST FOR ACCOMMODATION

A. The ADA Coordinator shall investigate each request for accommodation received. This investigation shall include communicating with the requesting individual or her/his representative, to better understand the request and discuss possible accommodations.

B. If disability is not apparent in the requestor, the Coordinator shall work with the Center for Students with Disabilities for student-related requests, or the Human Resources Department for employment-related requests, who shall secure the necessary medical information to verify disability and to identify associated functional limitations.

C. When conducting the investigation, the Coordinator is encouraged to seek, where appropriate, assistance from the Assistant Attorney General, University Counsel, Human Resources, Center for Students with Disabilities and budget staff.

D. Before making any decisions that would involve:

1. Refusal of a request for accommodation;
2. Termination based in part or whole on a disability;
3. Reclassification or reallocation in grade;
4. An expenditure of funds which is not absorbable within the University's academic or administrative budgets and would require appropriation authority; the Coordinator shall consult with the ADA State Coordinating Committee.

V. ISSUANCE OF DECISION IF ACCOMMODATION NOT GRANTED

A. Within 15 working days after receiving the request for accommodation, the ADA Coordinator shall issue a decision, outlining in writing, or in another format accessible to the requestor, stating what action, if any, shall be taken on the request.

B. If the Coordinator is unable to reach a decision within the 15 working day period, he/she shall notify the individual with a disability in writing or by another format accessible to the requestor, why the decision is being delayed and what additional time is needed to reach a decision.

VI. APPEALS

The individual may appeal the decision of the ADA Coordinator by filing a claim alleging discrimination on the basis of disability with the Director of EEO/AA in accordance with Weber State University Policy and Procedure 3-32.

VII. CLASSIFICATION OF RECORDS

The record of each request for accommodation and appeal, and all written records produced or received as part of such actions, shall be classified as "protected" as defined under Section 63-2-304 until the ADA Coordinator of Weber State University issues the decision, at which time any portion of the record which may pertain to the individual's medical condition shall remain classified as "private" as defined under Section 63-2-302, or "controlled" as defined in Section 63-2-303. Such information for student requests shall be retained for three years after graduation or the date of the student's last attendance at Weber State University. All other information gathered as part of the complaint record shall be classified as "private" information.

The University reserves the right to internally share ADA information on a "need to know" basis. Supervisors and faculty who are to provide accommodations, however, will receive only information about such limitations and needed accommodations and not information regarding the requestor's disability, unless it is a life-safety issue.

VIII. RELATIONS TO OTHER LAWS

This rule does not prohibit or limit the use of remedies available to individuals under the Utah Anti-Discrimination complaint procedures, Section 67-19-32; the Federal ADA complaint procedures (28 CFR Sub-part F. beginning with Part 35.170, 1990 edition); or any other Utah or federal law that provides equal or greater protection for the rights of individuals with disabilities.