

1. INSTITUTIONAL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), 1990.

1.01 It is the policy of Sam Houston State University that no otherwise qualified disabled individuals shall, solely by reason of their disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any academic program or activity.

1.02 Sam Houston State University has completed a self-evaluation, as required by Section 504 of the Rehabilitation Act of 1973.

2. DEFINITIONS

2.01 The term disability means with respect to individuals:

- a. a physical or mental impairment which substantially limits one or more major life activities (functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working);
- b. a record of such an impairment (has a history of or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities); or
- c. being regarded as having such an impairment, individuals may be included in this definition if they have:
 - (1) a physical or mental impairment that does not substantially limit major life activities but are treated by the institution, i.e., Sam Houston State University, as though such a limitation exists;
 - (2) a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such an impairment; or
 - (3) none of the impairments defined below under "physical or mental impairment," but are treated by the institution as having such an impairment.

- 2.02 Under paragraph 2.01 (a) above, only physical and mental handicaps are included. Thus, environmental, cultural, social, and economic disadvantages are not in themselves covered; nor a prison record, age, or homosexuality.
- 2.03 "Physical or mental impairment" means:
- a. any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary, hemic, and lymphatic; skin; and endocrine; or
 - b. any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- 2.04 It should be emphasized that a physical or mental impairment does not constitute a disability unless its severity is such that it results in a substantial limitation of one or more major life activities. The term "physical or mental impairment" is not defined by virtue of a listing of specific diseases and conditions due to the difficulty in ensuring the comprehensiveness of such a list. However, this term is intended (without limitation) to encompass such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, and documented emotional illness. "Specific learning disabilities" are included in the definition of "mental impairment," and the term is intended to describe such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.
- 2.05 "Qualified disabled persons" means:
- a. with respect to employment, disabled persons who, with reasonable accommodation, can perform the essential functions of the job in question; and
 - b. with respect to postsecondary and vocational education, disabled persons who meet the academic and technical standards requisite to admission or participation in the institution's programs and activities.

3. COMMITTEE FOR CONTINUING ASSISTANCE FOR DISABLED STUDENTS

- 3.01 The Committee for Continuing Assistance for Disabled Students is chaired by the Director of Counseling Services. It is composed of representatives from the faculty and staff of the University. The committee advises disabled students of available assistance on a continuing basis and serves as a resource for faculty, staff, and students concerning the requirements of the Americans with Disabilities Act of 1990 as it pertains to the educational process at SHSU. As necessary, the committee may familiarize students with the provisions of the University Grievance Procedure - Americans with Disabilities Act (ADA) and paragraph 5 of this policy. The committee does not review grievances concerning academic matters such as grades or suspensions.
- 3.02 The chair of the committee reviews psychological or medical credentials presented by students seeking academic assistance such as learning disabled students or other disabled students whose academic performance is alleged to be affected in order to determine if a disability exists. If so determined, and with written permission from the students, the committee chair communicates with the college deans, recommending certain learning modifications. The deans will communicate to school/department chairs/coordinators/faculty this same information. This is the only type of disability which must be verified, assuming that any other type can be observed by the faculty member.

4. FACULTY RESPONSIBILITY TO THE DISABLED STUDENT

- 4.01 Students may, but are not required to, avail themselves of assistance provided by the University or outside agencies for disabled students.
- 4.02 Students also may request assistance from individual faculty members, school/department chairs, deans, and the Director of the Newton Gresham Library. The faculty member or administrator should refer disabled students, if the disability is unobservable and could affect academic performance, to the Committee for Continuing Assistance for Disabled Students by having them contact the chair for that committee who is also the Director of Counseling Services (extension 4-1720).
- 4.03 Faculty members shall make every reasonable effort to accommodate requests made on the behalf of disabled students by the Director of

Counseling Services under the provisions of the Americans with Disabilities Act of 1990.

- 4.04 Faculty members may inform the students in their classes of the existence of the Committee for Continuing Assistance for Disabled Students so that they may request services if so desired.
 - 4.05 Faculty members should include this information in the class syllabus to accommodate the hearing impaired and state it orally to accommodate the visually impaired. An example can be: "Students with a disability that affects their academic performance are expected to arrange for a conference with the instructor in order that appropriate strategies can be considered to ensure that participation and achievement opportunities are not impaired." The physically impaired may contact the Director of Counseling Services as Chair of the Committee for Continuing Assistance for Disabled Students by telephone (extension 1720).
 - 4.06 The following statement should appear on all printed recruitment, admission, and registration materials: "Disabled students may request admission/registration assistance by calling the Registrar's Office or the Undergraduate Admissions Office." Telephone numbers should be included in this statement.
 - 4.07 In buildings that are not accessible to the physically disabled, classes should be scheduled elsewhere. In buildings which are accessible but without elevators, classes should be scheduled on the first floor, if necessary, to accommodate disabled students. This should be coordinated through the Registrar's Office.
5. STUDENT APPEAL PROCEDURE FOR ACADEMIC COURSE REQUIREMENTS
- 5.01 Any student who wishes to appeal an academic course requirement at SHSU under the provisions of the Americans with Disabilities Act (ADA) of 1990 or Section 504 of the Rehabilitation Act of 1973 must do so in writing within ten class days to the appropriate academic dean. The letter from the student filing the appeal must:
 - a. state the specific academic course requirement(s) being appealed and the reason(s) for the appeal,

- b. state the proposed reasonable accommodation(s) desired, and
- c. provide such documentation as the University may require.

5.02 The academic dean will:

- a. Review the appeal and gather any additional information that may be deemed necessary. As a minimum, the appropriate department chair(s) and/or involved faculty member(s) will be apprised of the appeal and asked to document the following:
 - (1) if and when he/she was notified regarding the appellant's need for assistance in regard to an academic course requirement;
 - (2) any efforts made to provide reasonable accommodation(s) (i.e., tutorial, conferences, special testing review sessions, extra time on tests, peer mentors, academic support services, study guides, outlines for materials, developmental level course recommendations, etc.)
 - (3) the class attendance record(s) of the student (when germane);
 - (4) the performance record (progress) of the student;
 - (5) a summary of recommendations appropriate to provide reasonable accommodation.
- b. If appropriate, the academic dean will provide the appellant with such reasonable accommodation(s) as may be within the dean's authority and University policy to grant;
- c. If the academic dean cannot reasonably determine the validity of the student's appeal, the dean will forward the file to the chair of the Committee for Continuing Assistance for Disabled Students with a request for a review and recommendation by that Committee.

5.03 The Committee for Continuing Assistance for Disabled Students will carefully review the file forwarded by the dean together with any additional medical or psychological profiles which may be available and/or deemed necessary in order to reach an informed conclusion which will assist the dean in reaching a decision.

- 5.04 The academic dean will review the recommendation(s) provided by the Committee for Continuing Assistance for Disabled Students and respond to the appellant's request(s).
- 5.05 If the appellant student is not satisfied with the decision of the academic dean, the student may appeal to the Office of the Provost and Vice President for Academic Affairs. The Provost may require the student to provide additional documentation and otherwise consult with such legal, medical, or psychological expertise as he/she deems necessary in order to reach a final university position in this matter.

APPROVED: _____ /signed/
James F. Gaertner, President

DATED: _____ 01/13/06

CERTIFICATION STATEMENT

This academic policy statement (APS) has been approved by the reviewer(s) listed below and represents Sam Houston State University's Division of Academic Affairs' APS from the date of this document until superseded.

Original Date	October 6, 1981	Review Cycle:	October, ONY*
Reviewer(s):	Academic Policy Council Counseling Center Human Resources	Review Date:	October 1, 2007

Approved: _____ /signed/
David E. Payne
Provost and Vice President
for Academic Affairs

Date: _____ 01/10/06

*ONY = Odd Numbered Year