

1. PURPOSE

It is the policy of Sam Houston State University that no otherwise qualified individual with a disability shall, 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 or in employment. The following outlines Sam Houston State University's compliance with TITLE II OF THE AMERICANS WITH DISABILITIES ACT (ADA) OF 1990, AS AMENDED IN THE ADA AMENDMENTS ACT OF 2008, AND SECTION 504 OF THE REHABILITATION ACT OF 1973.

2. DEFINITIONS

2.01 The term disability means with respect to an individual:

- a. A physical or mental impairment that substantially limits one or more major life activities as listed in the ADA Amendments Act of 2008;
- b. A record of such an impairment (has a history of or has been classified 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 (has been subjected to an action prohibited under the ADA, as amended, because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity).

2.02 "Qualified person with a disability" means:

- a. With respect to postsecondary and vocational education, persons with disabilities who meet the academic and technical standards requisite to admission or participation in the institution's programs and activities.
- b. With respect to employment, persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job in question.

2.03 Section 504 / ADA Coordinators

- a. The SHSU Section 504/ADA Coordinator for student academic-related matters is the Director of the SHSU Office of Services for Students with

Disabilities (SSD), located in the Lee Drain Annex, SHSU Box 2091, Huntsville, Texas 77341, with telephone 936-294-3512, TDD 936-294-3786, and e-mail disability@shsu.edu.

- b. The SHSU Section 504/ADA Coordinator for employment-related matters is the Associate Vice President for People and Procurement Operations located in the Thomason Building, Suite 202, SHSU Box 2356, Huntsville, Texas 77341, with telephone 936-294-1070, and e-mail employment@shsu.edu.
- c. The SHSU Section 504/ADA Coordinator for facilities-related matters is the Vice President for Facilities Management, located in the Sam South Complex, 2424 Sam Houston Avenue, SHSU Box 2357, Huntsville, Texas 77341, with telephone 936-294-1910, and e-mail facilitiesmanagement@shsu.edu.

3. RESPONSIBILITIES OF THE OFFICE OF SERVICES FOR STUDENTS WITH DISABILITIES (SSD)

- 3.01 Promote full and equal access for otherwise qualified students with disabilities to the educational and extra-curricular programs, activities, and services of the University.
- 3.02 Evaluate student requests for academic adjustments and auxiliary aids and services and make initial determinations with regard to such requests. Pursuant to this responsibility, the SSD Director or their designee:
 - a. interviews the student with regard to their impairment(s) and request for academic adjustments and/or auxiliary aids and services;
 - b. reviews student's self-report and documentation with respect to their impairment to make an individualized assessment of necessary academic adjustments and/or auxiliary aids and services; requests additional and/or updated documentation as necessary;
 - c. develops an effective accommodation plan with the student, detailing the specific academic adjustments and/or auxiliary aids and services for which they have been approved, if such accommodations are warranted by the student's documentation and self-report;

- d. issues Letters of Accommodation reflective of the student's accommodation plan to academic course instructors via SHSU e-mail at the student's request; and
 - e. consults with the student and their instructor(s), as needed, regarding the effectiveness and implementation of academic adjustments and/or auxiliary aids and services.
- 3.03 Maintain the security and confidentiality of disability documentation and related information submitted by students applying for SSD services.
- SSD may release information to University faculty and staff regarding a student's disability, as it relates to their accommodations and educational needs, with the student's written consent.
- 3.04 Work with faculty to ensure that requested accommodations do not fundamentally or substantially alter essential course requirements, nor reduce the academic integrity of the course.
- 3.05 Receive disability-related grievance documents from students, in accordance with Section 6 of this policy, "Grievance Resolution Procedures."
4. RESPONSIBILITIES OF FACULTY UNDER THE ADA, ADA, AND § 504 OF THE REHABILITATION ACT OF 1973
- 4.01 Inform students of available SSD assistance by including information on the SSD Office in course syllabi. For example: "Any student with a disability that affects their academic performance should contact the Office of Services for Students with Disabilities to request accommodations."
 - 4.02 Refer all students who may informally request disability accommodations to this policy and to SSD for registration and to request services as described in section 3 above.
 - 4.03 Review Letters of Accommodation sent by SSD.
 - 4.04 Implement and/or facilitate SSD recommended accommodations or services, unless concerned that an accommodation would fundamentally alter essential course requirements (see below). (Note: SSD accommodations do not apply

retroactively, but only from the point in time at which SDS sends the letter of accommodation);

- 4.05 When concerned that an accommodation would fundamentally alter essential course requirements, within five (5) working days of the Letter of Accommodation being sent by SSD, form a group consisting of SSD and other knowledgeable and trained persons (such as the academic department chair and other informed faculty members) and determine by group consensus whether such an alteration would result from the accommodation.
- 4.06 If it is determined that a recommended accommodation would fundamentally alter essential course requirements, within five (5) working days, engage in an interactive process with the SSD office and the student to identify and implement an appropriate alternative solution to ensure the qualified person with a disability has the opportunity to reach the same level of achievement in the course as other students. While the interactive process is underway, the instructor may suspend implementation and/or facilitation of the recommended accommodations or services under discussion.
- 4.07 When the student disagrees with the alternative solution or consensus cannot be reached, refer the student to the grievance procedure detailed in Section 6 of this policy statement, Grievance Resolution Procedures.

5. RESPONSIBILITIES OF STUDENTS WITH DISABILITIES

- 5.01 Meet the academic and technical standards for participation in the University's educational programs, activities, and services.
- 5.02 Follow policies and procedures of SSD as outlined in this policy and more fully detailed on their website (<http://www.shsu.edu/dept/disability/>) and available in hard copy at the SSD Office. Specifically, students seeking assistance must:
 - a. Register with SSD as described in the Procedures to Request Services;
 - b. Submit documentation of a substantially limiting impairment(s) consistent with the SSD Documentation Guidelines;
 - c. Meet with an SSD Accommodation Counselor to request academic adjustments and/or auxiliary aids and services;

- d. If approved for academic adjustments and/or auxiliary aids and services, request Letters of Accommodation from SSD for academic courses in a timely manner (Note: SSD accommodations do not apply retroactively, but only from the point in time at which SDS sends the letter of accommodation);
- e. As necessary, engage in dialogue with course instructors and SSD regarding the logistics and arrangements for the accommodations and services;
- f. Apprise SSD in a timely manner of any concerns with the implementation of academic adjustments and/or auxiliary aids and services;
- g. Notify SSD in a timely manner of any changes in mental and/or physical condition warranting different or additional accommodations and/or services and submit documentation supporting such need; and
- h. Notify SSD in a timely manner of the need for approved auxiliary aids and services, such as sign language interpreting or captioning services, alternative textbook formats, and adaptive technologies. Failure to provide timely notification may result in delays in the receipt of such aids and services.

6. GRIEVANCE RESOLUTION PROCEDURES

It is the policy of Sam Houston State University not to discriminate or retaliate against any student who has filed a disability-related grievance or who has assisted or participated in the investigation of such a grievance.

- 6.01 Students are encouraged to informally discuss their concerns with the course instructor and SSD before proceeding to the formal grievance phase.
- 6.02 Upon a student's request, SSD will provide the student with administrator contact information and reasonable accommodations and/or auxiliary aids and services that they may require to participate in the grievance process. Such accommodations and services may include, but are not limited to, sign language interpreting or captioning services and information in alternative formats.
- 6.03 Except when prohibited by a student's impairment, all grievance, appeal notices and decisions shall be in writing and addressed to the appropriate authorities provided herein with a copy to the SSD Director. When appropriate for the

impairment, other accessible means (e.g., audio recording, digital text, etc.) will be substituted for the writing requirement.

6.04 Disability-related grievances or discrimination complaints and appeals of grievance decisions should be addressed to the appropriate reviewing authorities in the order listed below:

a. For academic program decisions:

- (1) Grieving Authority is the Department Chair;
- (2) Appellate Authority is the College Dean or their designee;
- (3) Final Appellate Authority is the Provost and Sr. Vice President for Academic Affairs or their designee.

b. For decisions of the Office of Services for Students with Disabilities (SSD) regarding requests for academic adjustments and/or auxiliary aids and services:

- (1) Grieving Authority is the Executive Director for Counseling and Health Services;
- (2) Appellate Authority is the Vice President for Student Affairs. The decision of the Vice President for Student Affairs is final for grievances relating to SSD.

c. For accessibility of a facility, organization, activity, event, or service of the University:

- (1) Grieving Authority is the Building Liaison, Program Director/Coordinator, or Event Organizer;
- (2) Appellate Authority is Vice President in whose division the grievance arose. The decision of the Vice President reviewing the appeal is final for accessibility grievances.

6.05 Grievance

a. Within ten (10) working days of an accommodation decision or an alleged disability-related discrimination, the student must notify the appropriate Grieving Authority with a copy to the SSD Director.

- b. The elements of the written grievance shall include, at a minimum: the student's name, student ID number, mailing address, e-mail address, and telephone/telecommunication number; the facts and circumstances of the complaint; a description of how the student attempted to resolve the grievance informally (if such an attempt was made) and the remedy or resolution sought by the student.
- c. The Grievance Authority will:
 - (1) review all documentation pertaining to the appeal or complaint;
 - (2) request additional information from relevant parties as deemed necessary;
 - (3) interview the student in person or by other accessible means (e.g., telephone/telecommunication service, in the case of a distance learner) as well as the alleged discriminating party or identified witnesses; and
 - (4) notify the student, the SSD Director, and any other parties to the grievance of their decision within ten (10) working days of receiving the appeal or complaint.

6.06 Appeal

- a. The student may appeal the finding of the Grievance Authority by notifying the appropriate Appellate Authority with a copy to the SSD Director within ten (10) working days of receiving notice of the Grievance Authority's decision.
- b. The Appellate Authority will:
 - (1) review all documentation pertaining to the appeal or complaint, including the decision of the Grievance Authority;
 - (2) request additional information from the student, the SSD Director, the Executive Director, and any other parties to the grievance, as necessary;
 - (3) interview the student in person or by other accessible means (e.g., telephone/telecommunication service, in the case of a distance

learner). Appellate Authority has the option to interview the alleged discriminating party or witnesses;

- (4) within ten (10) working days of receipt of the appeal, provide a written decision to the student, the SSD Director, the Executive Director, and any other parties to the grievance; and
- (5) take any additional steps necessary to implement their decision.

6.07 Final Appeal

- a. Grievance appeal decisions of a College Dean on a matter relating to an academic program may be appealed to the Provost and Sr. Vice President for Academic Affairs whose decision is final.
- b. Appeals to the Provost will follow the steps and timelines outlined in 6.06.
- c. The appellate decision of the appropriate Vice President is final for grievance appeals related to SSD decisions or the accessibility of a facility, organization, activity, event, or service.

6.08 SSD will maintain records pertaining to a disability-related grievance for a period of at least seven (7) years following the resolution of the grievance, per the departmental records retention policy.

6.09 A student may choose to file a complaint of discrimination on the basis of a disability with the U. S. Department of Education Office for Civil Rights, Texas Commission on Human Rights, or any other federal, state, or local agency, as is their right under the Americans with Disabilities Act, as amended, and Section 504 of the Rehabilitation Act.

APPROVED: <signed>
Alisa White, Ph.D., President

DATE: 2/19/2024

CERTIFICATION STATEMENT

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

Original: October 6, 1981
Reviewer(s): Academic Affairs Council

Review Cycle: Five years*
Review Date: Fall 2025

Approved: _____ <signed> _____
Michael T. Stephenson, Ph.D.,
Provost and Sr. Vice President
for Academic Affairs

Date: _____ 2/14/2024 _____

*Effective January 2018, Academic Policy Statements will be reviewed on a rotating 5-year schedule. To transition to a distributed review load, some policies may be reviewed prior to the 5-year timeframe, with subsequent reviews transitioning to the 5-year schedule.