

STUDENT ACCESSIBILITY RESOURCE MANUAL



Office of Adaptive Services
Office of Institutional Equity and Compliance
Florida Gulf Coast University
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STUDENT ACCESSIBILITY RESOURCE MANUAL

I. Introduction and Background

Americans with Disabilities Act, Section 504, and Fair Housing Act

As a state university, Florida Gulf Coast University (FGCU) is subject to federal and state laws that prohibit discrimination against applicants and students with disabilities. The Americans with Disabilities Act (ADA), as amended, prohibits discrimination against persons with disabilities by public entities, which includes state colleges and universities. Section 504 of the Rehabilitation Act (Section 504) prohibits discrimination against a qualified individual with a disability in any program or activity receiving federal financial assistance. The Fair Housing Act (FHA), as amended, prohibits discrimination against persons with disabilities in housing, including student housing offered by colleges and universities.

All three of these laws define a person with a disability the same. Under each statute, a person must be otherwise qualified for the program, activity, service, or housing offered by FGCU and be a person who: 1) has a physical or mental impairment that substantially limits one or more major life activity; 2) has a record of such an impairment; or 3) is regarded as having such an impairment. Major life activities include, for example, seeing, walking, hearing, learning, speaking, breathing, caring for oneself and performing manual tasks.

All University faculty and staff are responsible for ensuring that students with disabilities receive equal treatment and an equal opportunity to access to all university programs, activities, services, and housing. This includes ensuring that students with disabilities receive reasonable accommodation where necessary because of their disability. The Office of Adaptive Services is responsible for evaluating requests for reasonable accommodation. Students who believe they are entitled to a reasonable accommodation because of their disability should contact the Office of Adaptive Services.

II. General Requirements of the ADA and Section 504

Title II of the ADA prohibits state universities (and Section 504 prohibits state universities which receive federal financial assistance) from discriminating against qualified students with a disability in the application process, educational process, and extracurricular activities. This includes the affirmative requirement that universities provide reasonable accommodations to students with disabilities unless it imposes an undue hardship, financially or otherwise, on FGCU, faculty, staff or students.

These laws also prohibit discrimination by any program, service or facility operated by FGCU, including student unions, athletic arenas, auditoriums, libraries, recreational facilities, etc. These facilities must be accessible to individuals with disabilities and these facilities must provide reasonable accommodation to individuals

with disabilities who use these facilities.

Finally, FGCU must provide effective communication to individuals with hearing/speech disabilities. This requires FGCU to provide communication which is equally effective to individuals with hearing and/or speech disabilities as the communication provided to individuals without such disabilities.

III. Policy Statement

It is the policy of FGCU to provide applicants and students with disabilities an equal opportunity to access all University programs, services, and activities (FGCU Policy 1.008, Disability Access and Reasonable Accommodation). Accordingly, FGCU will adhere to all applicable Federal and state laws and regulations with respect to providing reasonable physical and academic accommodations to ensure equal access and opportunity to qualified individuals with a disability. Consistent with FGCU Policy 1.008, FGCU will provide reasonable accommodations for disabilities of qualified applicants and students, which will enable them to participate in the admission process and have equal access to all University programs, services, and activities of the University.

All requests for accommodations will be evaluated on an individual basis to determine the necessity for and reasonableness of the request. Reasonable accommodations will be provided in a timely and cost-effective manner. Students will not be denied access to classes, activities, or student housing because of a failure to provide necessary reasonable accommodations for a student's disability.

To request a reasonable accommodation, except requests for "service animals" under the ADA, (see Section XI below), a student must complete the Student Information and Formal Request for Accommodations form (Attachment A) and meet with a case manager in the Office of Adaptive Services. The responsibility for funding the cost of a reasonable accommodation rests with the Office of Adaptive Services and FGCU. FGCU students who are qualified and demonstrate a disability related need for the reasonable accommodation will not be held to any financial obligations.

V. How Do I Know If I Am Qualified To Receive Services?

If you are a qualified student with a disability, you are protected by the ADA, Section 504, and, if participating in student housing, the FHA. A qualified student is one who has a disability as defined by Section I above, demonstrates academic success in the subjects required for admission, and demonstrates capability in standardized testing situations, with or without reasonable accommodation. Qualified students with a disability, like all other students, are required to maintain the academic standards expected by FGCU. These standards can be met with the help of academic and classroom accommodations. A qualified applicant or student with a disability may

request a reasonable accommodation from any FGCU service, program, or activity including, but not limited to, the following:

1. Admission
2. Registration
3. Classroom
4. University grounds
5. University related activities
6. Housing

VI. What Is A Reasonable Accommodation?

A reasonable accommodation is any academic, social or architectural modification that will allow an applicant or student equal access and opportunity to access any FGCU service, program, or activity as long as the accommodation will not impose an undue burden, financially or otherwise, to FGCU, faculty, staff or students. Examples of reasonable accommodations include, but are not limited to, the following:

1. Testing modifications
2. Alternate format of materials
3. Adjusting or modifying classroom furniture
4. Priority registration
5. Reduced class load
6. Auxiliary aids and services
7. Accessibility modification to a residence hall
8. Other accommodations based on individual need

Reasonable accommodations are considered on a case by case basis and determined in accordance with the documentation of the disability. Therefore, not all accommodations will apply in every circumstance.

VII. Reasonable Accommodation Procedure, Confidentiality and Record Keeping

Reasonable Accommodation Procedure

All requests for reasonable accommodation should be forwarded to the Office of Adaptive Services with the exception of requests for "service animals" under the ADA and "assistance animals under the FHA (See Section XI below). Students wishing to receive accommodations must schedule a meeting with a case manager in the Office of Adaptive Services. The Office of Adaptive Services will make all decisions regarding requests for reasonable accommodations. The decisions will be based on consultation with the student, sufficient documentation of the necessity for the requested accommodation, and determination of whether the requested accommodation would pose an undue hardship.

Decisions by the Office of Adaptive Services denying a requested accommodation may

be appealed to the Vice President for Student Success and Enrollment Management, and complaints may be made to the

1. Director, Office of Institutional Equity and Compliance.
2. The University Ombuds is available to assist the student in determining potential courses of action.

Confidentiality and Record Keeping

All student records that include medical information or reasonable accommodations requests are kept confidential to the extent permitted by law. University personnel shall not disclose confidential medical information to anyone, including coworkers, except as required on a need to know basis for the purpose of complying with federal and state law, as well as this Manual, and applicable FGCU Regulations and Policies. All information will be kept secured through the online data management system, and hard copy files will be secured in a locked filing cabinet in the Office of Adaptive Services and will only be made available to the office staff. Sharing of information will be limited to those individuals who need the data to satisfy accommodation requests and compliance with the law; health or safety professionals who may be called upon to provide medical attention; and relevant government officials investigating the institution's compliance with the law.

VIII. Reasonable Accommodation Evaluation Guidelines

Students requesting reasonable accommodations may be asked to provide verification of their disability and the necessity of their requested accommodation. Except for requests regarding a "service animal" under the ADA and "assistance animals" in University housing, if requested, the student must provide verification from a reliable third-party professional who has direct knowledge of the student, their disability, and their requested accommodation. Recommended accommodations by a physician/medical provider will be strongly considered in determining whether that specific accommodation can be provided and/or if it is reasonable. However, these recommendations are not binding on the University.

The Office of Adaptive Services will consider the following factors when determining if the requested accommodation is "reasonable":

1. Whether the accommodation would fundamentally alter the nature of the class/program.
2. Whether there would be a direct health or safety threat to the individual or others,
3. Whether the individual with the disability is otherwise qualified to enroll in a specific class/program, with or without reasonable accommodation.
4. Whether the accommodation would impose an undue hardship on the University.

The student will always be the primary person consulted when determining the most

appropriate accommodation, and this communication will continue throughout the accommodation process. Due to Family Education Rights and Privacy Act (FERPA), the Office of Adaptive Services and the University must have written consent from the student in order to disclose personally identifiable information. In addition, the University must have a FERPA authorization to disclose information to specific individuals in order to accept, or consider, any alternatives related to a student from an outside source, such as parents or guardians

IX. What Do I Do If I Think I Am Being Discriminated Against?

FGCU is committed to a policy of non-discrimination. Any person who believes FGCU has discriminated against them on the basis of disability may contact the Office of Adaptive Services. If the issue cannot be resolved, the case will be referred to the Office of Institutional Equity and Compliance.

Any person who believes FGCU has discriminated against them on the basis of disability may also file a charge of discrimination on the basis of a disability with the Office of Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC) and the Florida Commission on Human Relations (FCHR), and Department of Housing and Urban Development (HUD) offices located in cities throughout the United States. EEOC field offices can refer you to the agencies that enforce the various laws prohibiting discrimination based on disability. The person may also contact the National Office for Civil Rights at the US Department of Education, Mary E. Switzer Building, 330 C Street, SW, Washington, DC 20202 or the Atlanta Office at 61 Forsyth Street, SW Suite 19T70, Atlanta, GA 30303. If a person believes they have been discriminated against on the basis of disability in housing, they may also file a complaint with the United States Department of Housing and Urban Development at Atlanta Regional Office of FHEO, U.S. Department of Housing and Urban Development, Five Points Plaza, 40 Marietta Street, 16th Floor, Atlanta, Georgia 30303-2806.

X. Documentation Requirements for Reasonable Accommodations

Any applicant or student who wishes to request a reasonable accommodation, relating to academics and/or services and programs promoted by FGCU, must register with the Office of Adaptive Services. Sufficient and complete documentation regarding the disability and necessity of the accommodation may be requested at time of registration (Attachment B). All documentation submitted must be current and conducted by a qualified professional in the area of the disability with knowledge of the person's disability and need for an accommodation. All costs associated with the testing and/or medical evaluations will be at the expense of the individual.

XI. "Service Animals" under the ADA

Definition of "Service Animal" under the ADA¹

For purposes of the Policy, Service Animal means any **dog** 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. Other species of animals, whether wild or domestic, trained or untrained, are not Service Animals for the purposes of this definition.

The work or tasks performed by a Service Animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. For example, dogs that solely provide emotional support or companionship are prohibited from entering FGCU even if the dog is necessary because of an emotional or psychiatric disability.

Under certain limited circumstances, FGCU will make a reasonable modification to its policies and procedures for a guest with a disability to have a miniature horse that is necessary for a disability.

Procedures for addressing requests for ADA service animals

Service animals are allowed in any FGCU facility in which the person with a disability who needs a service animal would be otherwise allowed. If a person with a dog which may be a Service Animal enters an FGCU facility, FGCU personnel may only make two inquiries of the person:

¹ A "service animal" under the ADA is different and more restrictive than an "assistance animal" for purposes of student housing. Please consult the Office of Housing and Residence Life's Assistance Animal policy for more information regarding assistance animals which may be accommodated in student housing.

1. Is the dog required because of a disability?
2. What work or task is the dog trained to perform?

If the person responds "yes" to Question No. 1 and provides a reasonable description of work or task that is directly related to the disability as described in Section 4 above, FGCU personnel may not ask any other questions and must allow the Service Animal access to the facility as allowed in this Policy.

If it is apparent to the FGCU personnel that the Service Animal is trained to do work for the person with a disability (e.g. guide dog for a blind guest or a dog pulling the guest's wheelchair), FGCU personnel shall not make these two inquiries.

FGCU shall not require documentation from a guest with the disability such as proof that the animal has been certified, trained, or licensed as a Service Animal. FGCU shall not request a fee or surcharge for the use of a Service Animal.

XII. Important Telephone Numbers and Web Sites

Office of Adaptive Services 590-7956
<http://www.fgcu.edu/adaptive/>

Office of Institutional Equity and Compliance 745-4367
<http://www.fgcu.edu/equity/>

Office of Housing and Residence Life..... 590-1700
<http://www.fgcu.edu/housing/>

Dean of Students Office 590-7900
<http://studentservices.fgcu.edu/dos/>

ATTACHMENTS

Attachment A



Office of Adaptive Services

Student Information Record and Formal Request for Academic Accommodations

Today's Date: _____ **Date of Birth:** _____ **University ID:** _____

Name: _____
(Last, First, Middle)

Address: _____
(Street) _____

City: _____ **State:** _____ **Zip:** _____

Phone: _____
(Home) _____ (Cell) _____ (Other) _____

E-mail: _____

Intended major: _____ **Expected Grad date:** _____
(Month/Year)

Type of Disability

Accommodations/Services Requested:

As a student requesting to have accommodations and services due to a disability, I understand that before accommodations can be provided, I may be asked to provide current documentation of a disability from a professional who is licensed/certified in a field applicable to the disability. This documentation will be used as a matter of information regarding accommodations and services that may be appropriate and reasonable in the context of the academic and student service environment.

Release of General Information

I understand that it will be necessary for the Office of Adaptive Services to share certain routine, general information regarding my disability with FGCU personnel who have a legitimate need to know. This information will be limited to the following:

1. The generic term (or its equivalent) for the disability
2. General information about how the disability affects my academic or personal performance
3. Information about my learning modality and recommendations for specific accommodations

Student's Responsibility

Student's receiving services are expected to act as independent, self-directing, responsible adults with regard to their student status. Adaptive Services does not serve in a "Loco Parentis" nor a caretaker role. The student must accept full responsibility for meeting applicable University standards with regard to behavior, academic performance and autonomy. If the nature or severity of the disability changes, it is the student's responsibility to notify the Office of Adaptive Services so that requested accommodations can be accurately addressed.

I have reviewed the above and agree to all the terms and conditions stated herein.

Student Signature

Date

Attachment B



Office of Adaptive Services

Documentation Requirements for Academic Accommodations

Documentation is requested in order to provide information regarding accommodations and services that may be appropriate and reasonable in the context of the academic and student service environment. Below are the documentation requirements for the specific areas of disability. All documentation must be current and provided by a licensed professional. **Please note:** While IEP's and 504 plans can be helpful in determining accommodations, they cannot be used as primary documentation.

ADD/ADHD

- Diagnosis
- Criteria/Diagnostic materials used to reach diagnosis
- Information on how current symptoms interfere with academic achievement
- Recommendations for accommodations

Blind/Low Vision

- Visual Acuity Report
- Letter of explanation
- Recommendations for accommodations

Deaf/Hard of Hearing

- Audiogram
- Letter of explanation
- Recommendations for accommodations

Learning Disability

- Comprehensive Assessment Battery which includes:
 - Aptitude
 - Achievement
 - Information on processing
 - Social-Emotional

- Clinical Summary
- Recommendations for accommodations

Medical/Physical Disability

- Diagnosis
- Information on how current symptoms interfere with academic achievement
- Recommendations for accommodations
 - Please Note: Documentation for temporary medical issues must also include the expected time frame of needed accommodations

Psychological Disability

- Diagnosis
- Information on how current symptoms interfere with academic achievement
- Recommendations for accommodations

Attachment C



Office of Adaptive Services

Documentation Requirements for Housing Accommodations

When the disability and/or necessity for a reasonable accommodation involves Housing and Residence Life, verification may be requested. The Office of Adaptive Services may request a verification from a reliable third party who is familiar with the student's disability and the need for the requested accommodation. A reliable third-party includes, but is not limited to, a doctor or other medical professional, a peer support group, or a non-medical service agency. In the case of an assistance animal that is needed for emotional support, the Office of Adaptive Services may require the student to provide a third-party verification from a physician, psychiatrist, social worker, or other mental health professional.