

**UNIVERSITY AT ALBANY**  
**State University of New York**  
**Division of Student Success**

**Statement of Reasonable Accommodation Policy**  
**In Response to the Americans with Disabilities Act**

**Introduction**

Between 1974 and 1999, the enrollment of students with disabilities at the University at Albany grew from 80 students to its present enrollment of 560+ (2008). The Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973 have helped students to become much more aware of their needs and their rights. Not surprisingly, requests for accommodations are on the increase. Given the pressures on both faculty and staff to deal with these requests, it is important to have formal policies and procedures to govern the management of these requests in a fair and effective manner.

**Definitions of ADA/504 Terminology**

Both the ADA and Section 504 of the Rehabilitation Act protect any individual with a physical or mental impairment that substantially limits that person in some major life activity, and any individual who has a history of, or who is regarded as having, such an impairment. These terms are further defined as follows:

- Physical or mental impairment: in order to meet ADA guidelines, impairment must be categorized as a physiological or mental disorder.
- Substantially limits: impairment substantially limits an individual in a major life activity if the person cannot perform the life activity at all, or if the individual is limited in the condition, manner or duration of that activity.
- Major life activity: examples of the kind of activities that would be considered “major life activities” include, but are not limited to, walking, seeing, breathing, learning, working or performing manual tasks.
- Qualified person with a disability: this is defined as one who meets the academic and technical standards requisite to admission or participation in the University’s programs and activities. This includes, but is not limited to, students with any of the following disabilities:

AIDS	Head Injury	Multiple Sclerosis
Alcoholism/Chemical Dependency**	Hearing Impairment	Muscular Dystrophy
Cancer	Heart Disease	Orthopedic Impairment
Cerebral Palsy	Learning Disabilities	Perceptual Impairment
Diabetes	Mental Illness	Psychiatric
Epilepsy	Mental Retardation	

*\*\*The ADA excludes from its protection people who currently use illegal drugs, but prohibits discrimination against recovering (nonactive) drug addicts and alcoholics. In order to encourage individuals to end substance abuse, the ADA provides civil rights protection for individuals who have successfully completed rehabilitation.*

## **ADA Compliance Committee**

Reasonable accommodations are meant to be individualized and flexible based on the nature of the disability and the academic environment. Most requests for reasonable accommodation can be both recommended and met by the Director of the Disability Resource Center (DRC). Other accommodations can be more involved, necessitating the establishment of an **ADA Compliance Committee** that would review the request. Membership on the ADA Compliance Committee would include the Dean of Undergraduate or Graduate Studies, as appropriate; the relevant Department chair or designee; the University's designated ADA Compliance Officer; a student representative, as jointly recommended by the Director of DRC and the ADA Compliance Officer; and relevant professionals from the University Counseling Center, Residential Life, and other administrative areas. The Director of the Disability Resource Center would serve as a voting, ex-officio member of the Committee.

The ADA Compliance Committee would determine and recommend reasonable accommodations to the appropriate Vice President(s). It would also serve as an appeal body for individuals wishing to review a decision made by the DRC. In these instances, the Director would sit with the committee for information but would not vote.

## **Guidelines for Compliance Committee Review**

*What is a "reasonable accommodation," and who determines what is "reasonable?"*

Appropriate and reasonable accommodations should insure that academic evaluations measure student achievement rather than unnecessarily reflecting the impact of the disability. They are not designed to give students with disabilities unfair advantages over other students. The University is obligated to make reasonable accommodation only to the known limitations of an otherwise qualified disabled student.

The language used in the ADA focuses on an accommodation being reasonable as long as it does not pose an "*undue hardship*" when compared to *the entity's total operating budget*, size of facility, number of employees, etc. Court decisions and agency rulings have held that requests of students need not be provided and are *not reasonable* under the following circumstances:

- the student is not qualified when compared to other applicants/participants in a program;
- the accommodation would result in a fundamental alteration of the program or a dilution of standards;
- the institution is being asked to address a personal need (like attendant care);
- the accommodation would impose an undue financial or administrative burden on the organization when compared with its total operating budget; or
- the accommodation poses a direct threat to the health or safety of others.

## The Review Process

Students making reasonable accommodation requests should follow these three steps:

1. Students who seek “reasonable accommodations” under the ADA or Section 504 are responsible for notifying the University of their disability. At the University at Albany this is done by self identifying on the Admissions application or by registering with the Disability Resource Center located in Campus Center 137 as soon as possible after admission.
2. The person with the disability must make a formal request for a reasonable accommodation. This request can be made in writing to the Director of the DRC or can be discussed with the Director in person. While students can request a particular type of accommodation, it is the University that determines how to meet a particular need. Therefore, alternative accommodations may be recommended which are more cost effective or efficient than those requested by the student.
3. Documentation of disability must be furnished and kept on file with the Disability Resource Center. The documentation must support the accommodation request. The specific request must relate to the legal definition of disability. The documentation must not be older than three years.

## University at Albany Rights and Responsibilities

The University at Albany has the responsibility:

- To inform its applicants and students about the availability and the range of accommodations.
- To evaluate applicants based solely on their abilities. Should an evaluation method or criteria have a negative effect on an applicant with a disability, the University must seek reasonable alternatives.
- To insure that all of its programs are accessible architecturally and/or programmatically.
- To make reasonable adjustments in the instructional method and evaluation system for a course when these have a negative impact on disability.
- To adjust or substitute any requirement that has a negative impact on disability ***and is not fundamental to the student’s academic program.***
- To identify and establish the abilities, skills and knowledge necessary for success in its programs and to evaluate applicants on this basis.
- To establish, through the appropriate faculty members, the abilities, skills, and knowledge fundamental to the requesting student's academic programs/courses and to evaluate each student's performance on this basis. These fundamental program/course goals are not subject to accommodation.
- To request and review, when necessary, documentation that supports requests for accommodation. The University has the right to table any request that is not so supported with requested documentation.

## **Students Rights and Responsibilities**

Students with disabilities are entitled to an equal opportunity to learn. They also have the same obligations as any other students to meet and maintain the institution's academic and technical standards. With that as a given, students with disabilities have the right:

- To identify themselves as needing accommodation in a timely fashion.
- To demonstrate or document how their disability affects a particular delivery system, instructional method, or evaluation criteria when requesting an accommodation.
- To participate actively in the search for accommodations and auxiliary aids. This responsibility extends to working with the institution to seek financial assistance from government and private sources.
- To be evaluated based on their ability, and not their disability. If their disability affects the outcome of an evaluation method, they are entitled to an evaluation by alternative means.
- To access services, extracurricular activities, and transportation at levels comparable to access by all other students. This is especially significant if the location, delivery system, or instructional methodology limit their access, participation, or ability to benefit from the academic community.
- To appeal the institution's decisions concerning accommodation. They can accomplish this by writing a letter to the ADA Compliance Committee; failing that, they may file a complaint with the New York State Division for Human Rights.

## **Recommended Disclosure Statement**

We strongly urge that the following statement be included in the description of each course syllabus:

*Reasonable accommodations will be provided for students with documented physical, sensory, systemic, cognitive, learning and psychiatric disabilities. If you believe you have a disability requiring accommodation in this class, please notify the Director of the Disability Resource Center(Campus Center 137, 442-5490). That office will provide the course instructor with verification of your disability, and will recommend appropriate accommodations.*