



## Accessibility and Reasonable Accommodation for Individuals with Disabilities

**Policy Type:** Administrative

**Responsible Office:** Equity and Access Services, Office of the President

**Initial Policy Approved:** 06/20/2016

**Current Revision Approved:** 09/25/2017

### Policy Statement and Purpose

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Virginia Commonwealth University (“VCU”) is committed to ensuring accessibility and equal access to its information, programs, and activities, including its technologies and web pages. VCU will provide reasonable accommodations to enable qualified individuals with disabilities to compete for or perform jobs, participate in classes or other university functions, or access university information, including information delivered through digital or online methods.

This Policy sets forth provisions for VCU’s compliance with relevant state and federal law, including the Americans with Disabilities Act of 1990 (“ADA”) and Section 504 of the Rehabilitation Act of 1973 (“Section 504”), as amended. It also provides guidance to administrators, employees, students and visitors about their rights and responsibilities regarding reasonable accommodation.

Individuals with disabilities, whether or not receiving accommodations, are held to the same standards of conduct, job performance and academic standards as other employees, visitors, or students.

Failure to comply with this Policy may result in disciplinary action up to and including termination of employment. VCU supports an environment that is free from retaliation. Retaliation against any employee who brings forth a good faith concern, asks a clarifying question, or participates in an investigation is prohibited.

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## Who Should Know This Policy

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All Virginia Commonwealth University community members are responsible for knowing this Policy and familiarizing themselves with its contents and provisions as they apply to individuals with disabilities including employees, students, and visitors. In particular, supervisors and human resource representatives have specific responsibilities to provide accommodations as outlined in this policy in consultation with the ADA/Section 504 Coordinator. Instructional faculty should work in collaboration with the student support services on their respective campuses to facilitate student accommodations.

## Definitions

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### Accommodation

A modification or adjustment to a work environment, educational experience, or provision of services that enables a qualified individual with a disability to enjoy equal opportunity to access employment, education, recreation and services, including, for example, modification of work or course schedule, examination method, or existing facilities or use of assistive devices and technologies.

### ADA/Section 504 Coordinator

The employee in Equity and Access Services designated to coordinate the development and implementation of VCU policies and procedures relating to individuals with disabilities in accordance with state and federal laws, including by training and consulting with VCU personnel responsible for implementation of this Policy. The ADA/Section 504 Coordinator may delegate or assign responsibilities to an appropriate and trained designee.

### Disability

For an individual, a documented physical or mental impairment that substantially limits one or more major life activity, a record of such an impairment, or being regarded as having such an impairment.

### Electronic and Information Technology (EIT)

Technology, including websites, online learning environments, course management systems and assistive or adaptive technologies.

### Essential function

A task or responsibility that is central (not marginal) to the purpose of the job, the class, or the activity.

**Major life activity**

Activities including, but not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working and major bodily functions, which include functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

**Qualified individual with a disability**

One who, with or without reasonable accommodation, can perform the essential functions of a particular job or meet specific academic or program requirements for participation in a university program, service, or activity.

**Reasonable accommodation**

An action that may be taken by the university to accommodate an individual with a documented disability, without imposing an undue hardship on the university. With regard to employees, such an accommodation may be a change in the work environment or in the way a job is performed that enables a person with a disability to enjoy equal employment opportunities.

**Responsible VCU official**

For the purpose of this policy, a responsible VCU official may or may not be the individual who initially handled or responded to the accommodation request or accessibility issue. This could be the individual's supervisor or someone else in academic leadership such as a department chair or associate dean. Student Accessibility and Educational Opportunity/Division for Academic Success (SAEO/DAS) can help students determine who the appropriate responsible VCU official is in the particular circumstance.

**Support Services**

Those VCU offices identified in sections 5.2 and 7.0 established to provide services to students, employees, or visitors. The ADA/Section 504 Coordinator and many other VCU administrative offices post a list of support services on their websites and in print and other informational materials.

**Visitor**

An individual attending an event sponsored by the university, visiting university-controlled property, or accessing university EIT.

**Contacts**

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Equity and Access Services officially interprets this policy. Equity and Access Services is responsible for obtaining approval for any revisions as required by the policy *Creating and Maintaining Policies and Procedures* through the appropriate governance structures. Please direct policy questions to Equity and Access Services, [equity@vcu.edu](mailto:equity@vcu.edu).

## Policy Specifics and Procedures

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These procedures are required actions and processes to comply with this Policy, support compliance with applicable laws and regulations, and mitigate risk.

### 1. Accessibility

VCU will operate each service, program or activity so that the service, program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities through such means as redesign or acquisition of equipment, reassignment of services to accessible buildings, alteration of existing facilities, construction of new facilities, or other effective method in accordance with state and federal law.

- To report a campus accessibility concern, students, employees, or visitors/third parties can file [the online Accessibility Concern Form](#) and/or contact the ADA/Section 504 Coordinator:  
Email: [ADAservices@vcu.edu](mailto:ADAservices@vcu.edu)  
Phone: (804) 828-1347  
Website: [equity.vcu.edu](http://equity.vcu.edu)  
Address: Equity and Access Services  
Moseley House  
1001 Grove Avenue  
Box 842549  
Richmond, VA 23284

To support its commitment to providing equal access to its programs and activities, VCU will implement appropriate accessibility standards for the procurement, development and maintenance of university Electronic and Information Technology (EIT) and user support services for individuals with disabilities. All university EIT is expected to comply with the [VCU Web Standards & Guidelines](#). Captioning of videos and other media is required as set forth at the following link: [Captioning Compliance](#).

### 2. Requesting Accommodation

It is the responsibility of the individual with a disability to request a reasonable accommodation from the university and to provide documentation of the disability, if necessary. Requests for accommodation should be made as early as possible to allow time to assess the request and provide reasonable accommodation.

- Employees requesting accommodations under this Policy can contact their direct supervisor, Department Personnel Administrator, Human Resources or the ADA/Section 504 Coordinator directly. Supervisors or Department Personnel Administrators who receive disability accommodation requests from employees must consult with the ADA/Section 504 Coordinator and should not attempt to determine whether the requestor has provided sufficient documentation or what might constitute reasonable accommodation without consulting the ADA/Section 504 Coordinator. The requesting employee will work with their supervisor and, if needed, Human Resources, who will work in collaboration with the ADA/Section 504 Coordinator to determine if the requesting individual qualifies for an accommodation and, if so, what that reasonable accommodation may be. The request can be initiated orally, by sign language interpreter or in writing.

- Students requesting accommodations under this Policy should consult the [VCU Handbook for Students with Disabilities](#) and contact the Support Services office on their campus, [The Office of Student Accessibility and Educational Opportunity](#) on the Monroe Park Campus or the [Division for Academic Success](#) on the MCV Campus. Employees who receive requests from students for disability accommodations must refer the students directly to the Support Services office for their campus and should not attempt to determine whether the student has provided acceptable documentation or what might constitute reasonable accommodation without consulting that office. Information for employees and administrators is available in the [VCU Handbook on Educational Access for Students with Disabilities](#).
- Prospective students seeking information about the availability of accommodations may contact the Support Services office on the campus housing the academic program of interest.
- Visitors requesting accommodations under this Policy should contact the VCU office or department coordinating the event or managing the web content for which accommodations are requested. For assistance in identifying the appropriate office, visitors may contact [Equity and Access Services](#). Any office or department receiving a request for an accommodation from a visitor should contact Equity and Access Services for help in assessing the request and should not deny a request for accommodation without consulting the ADA/Section 504 Coordinator.

### **3. Interactive and Individualized Assessment to Determine Reasonable Accommodation**

The responsibility to determine whether a requested accommodation is reasonable rests with the university based on its assessment of the individual requestor's needs and the availability of specific accommodation. The ADA/Section 504 Coordinator, or designee, may seek permission from the requestor to interact directly with a medical provider in order to determine what accommodation is reasonable and likely to be effective.

The individual requestor and the office responsible for evaluating the request are expected to engage in a cooperative and interactive process with the goal of reaching agreement on reasonable accommodations.

### **4. Providing Accommodation**

In general, the costs associated with providing accessibility and reasonable accommodation for employees and visitors comes from the regular operating budget for a given university program or activity. Departments should consider that accommodations will be needed from time to time and should plan accordingly in their budget process. All accommodation requests must be channeled through the ADA/Section 504 Coordinator before determining eligibility for accommodations.

The Office of Student Accessibility and Educational Opportunity and the Division for Academic Success cover the cost of most individual accommodations for students on the respective campus. A department or office requesting that extraordinary costs for reasonable accommodation be the responsibility of a larger budgetary authority should contact the ADA/Section 504 Coordinator for guidance. The following personnel also have responsibilities in providing accommodation:

- Supervisors will ensure that employees receive reasonable accommodations, as determined in consultation with the ADA/Section 504 Coordinator.

- Support Services will assess accommodation requests from students, provide Accommodation Letters for students to send to instructional faculty, and consult with instructional faculty and administrators concerning access plans and reasonable accommodation for students.
- Instructional faculty will provide students with reasonable accommodations, as determined by Support Services, related to academic areas such as classwork, assignments, and attendance.
- If applicants need accommodations during the interview process or assistance in completing the online application, they should contact [Human Resources](#). The human resource representative can work in consultation with the ADA/Section 504 Coordinator to identify needed reasonable accommodations.

## 5. Regular Review and Continued Accommodation

- The ADA/Section 504 Coordinator may conduct reviews of employee accommodations on an as needed basis to determine whether updated documentation is needed and whether accommodations remain appropriate and sufficient. An employee or supervisor may request such a review.
- Students receiving accommodations should contact the Support Services office on their campus to renew or update an accommodation request before the start of each semester or more often if a change in accommodation is necessary.

## 6. Confidentiality and Record

- Communication among VCU employees regarding any request for accommodations and support services to individuals with disabilities should focus on the nature of the accommodations provided and not, beyond initial assessment, the nature of the disability or related personal or medical information.
- VCU will take measures to protect any sensitive information or documentation related to an individual's disability, in accordance with applicable law. Individuals are encouraged to provide such information only and directly to the responsible Support Services.

## 7. Complaints

There are two procedures set forth below in sections 7.01 and 7.02:

- The Student Disability Accommodation and Accessibility Grievance Procedure in section 7.01 addresses student complaints regarding accommodation or accessibility. A student may seek review of a decision upheld through the Student Disability Accommodation and Accessibility Grievance Procedure by submitting a disability discrimination complaint to Equity and Access Services.
- The Disability Discrimination Complaint Procedure in section 7.02 addresses student complaints alleging harassment or other forms of discrimination based on disability (unrelated to access or accommodation) and all types of employee and third-party disability discrimination complaints. These complaints should be filed *directly* with Equity and Access Services and *not* through the Student Disability Accommodation and Accessibility Grievance Procedure.

The most efficient way to resolve a potential issue related to disability accommodation or accessibility is to communicate concerns directly to the responsible VCU official. VCU encourages students who believe they have been denied a reasonable accommodation or sufficient access by VCU instructional faculty or a VCU office, including [The Office of Student Accessibility and Educational Opportunity](#) or the

[Division for Academic Success](#), to attempt to resolve the issue directly with that person or office. To facilitate timely resolution of such concerns, students should raise the issue as soon as possible following the denial and clearly articulate in a written statement their concerns and the resolution that they seek. Students may contact their case manager in [The Office of Student Accessibility and Educational Opportunity](#) or the [Division for Academic Success](#) for advice on handling such matters and support related to an accommodation approved by that office, including mediation if appropriate.

Most concerns about accommodation and accessibility can be resolved in this manner, and students should make every reasonable effort to achieve this resolution. If the issue is resolved to the student's satisfaction, no formal grievance is necessary.

If such direct communication does not resolve concerns related to accessibility or accommodation, VCU encourages students who believe they have been denied a reasonable accommodation or sufficient access because of their disability to use the Student Disability Accommodation and Accessibility Grievance Procedures set forth below.

#### **7.01 Student Disability Accommodation and Accessibility Grievance Procedure**

If the student's concern is not resolved through direct communication as indicated above in section 7, the student may file a written grievance by submitting a detailed account of the issue and the remedy sought to the appropriate office by email at the following address – The Office of Student Accessibility and Educational Opportunity ([saao@vcu.edu](mailto:saao@vcu.edu)) or Division for Academic Success ([acadsuccess@vcu.edu](mailto:acadsuccess@vcu.edu)). These offices maintain grievance records, including complaints and resolution, and report as appropriate to the university's ADA/Section 504 Coordinator in Equity and Access Services.

##### **Step 1**

Once The Office of Student Accessibility and Educational Opportunity or the Division for Academic Success receives a complaint, the student may be required to meet with The Office of Student Accessibility and Educational Opportunity/Division for Academic Success representative assigned to the student for accommodation requests and assessment. The representative will gather relevant information and may speak with involved parties in an effort to clarify and resolve the issues underlying the grievance. As part of this information gathering, the student will have the opportunity to suggest witnesses who may have relevant information or present other evidence to the representative. The representative will notify the student and involved parties via email of the outcome, including any relevant finding, rationale, and resolution, within ten (10) business days of receiving the complaint or as soon as is reasonably practical thereafter.

If the grievance is not resolved to the student's satisfaction in Step 1, the student may pursue Step 2. If The Office of Student Accessibility and Educational Opportunity/Division for Academic Success representative is also the Director of The Office of Student Accessibility and Educational Opportunity or the Director of the Division for Academic Success, however, the student may skip Step 2 and pursue Step 3 directly.

##### **Step 2**

If the student disagrees with the Step 1 decision, they can appeal via email to the Director of The Office of Student Accessibility and Educational Opportunity or the Director of the Division for Academic Success (whichever is applicable) or the Director's designee. An appeal must include a written

statement of the reason for contesting the Step 1 decision and must be submitted within five (5) business days of the Step 1 outcome email notification.

The Director will review the submitted material and may contact the student and any involved parties in an effort to clarify and resolve the grievance. The Director will notify the student and involved parties of their decision to uphold or modify the Step 1 decision via email within ten (10) business days of the appeal or as soon as reasonably practical thereafter.

### **Step 3**

If the grievance is not resolved to the student's satisfaction in Step 2 (or in Step 1 when the Director is the assigned representative), the student may file a disability discrimination complaint with Equity and Access Services pursuant to the [Preventing and Responding to Discrimination policy](#) as set forth below.

#### **7.02 Disability Discrimination Complaints by Students, Employees and Third Parties**

Equity and Access Services reviews reports of discrimination based on disability submitted by students, employees, and third parties to determine whether the complainant was subject to discrimination as prohibited by the university's Preventing and Responding to Discrimination Policy (Policy), consistent with Sections 503 and 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, as amended.

EAS receives reports by the [Equal Opportunity Incident Reporting Form](#). While the online reporting form is the most efficient way to communicate relevant information, EAS will also receive complaints by email to [equity@vcu.edu](mailto:equity@vcu.edu), by phone at (804) 828-1347 or in-person by scheduled appointment. EAS follows the complaint resolution procedures and timeframes consistent with the Policy and available at <http://equity.vcu.edu/discrimination/process.html>.

### **8. Exclusions**

Protection under this Policy does not apply in the following circumstances:

- Individuals with disabilities are not entitled to receive accommodations that would fundamentally alter or excuse meeting essential standards or adequate performance of a position/job, class/course/program, or activity.
- Temporary, non-chronic impairments, medical conditions, illnesses, and injuries are not disabilities covered under this Policy.
- Pregnancy alone is not considered a disability. Complications arising from pregnancy may be impairments that need to be considered when considering accommodation options and will be evaluated on a case by case basis.
- The university is not obliged to grant specific requested accommodations if other reasonable accommodations give the requestor equal opportunity and access.
- Individuals who pose a direct threat to the safety and health of others are not protected under the law or this Policy and are not entitled to receive accommodations.
- Individuals who are not disabled, but who are regarded as having a disability, are not entitled to receive accommodations; however, the university prohibits discrimination based on perceived disabilities.

- Use of illegal drugs and misuse of drugs or alcohol are not protected activities, and such activity will not be considered as an accommodation.

## Forms

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1. [Campus Accessibility Concern Form](#)
2. [Employee Request for Accommodation Form](#)
3. [Medical Certification for Employee Accommodation Form](#)
4. [Equal Opportunity Incident Reporting Form](#)

## Related Documents

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### VCU Resources

1. [ADA Services](#)
2. [Discrimination/Harassment Complaint Process](#)
3. [Parking & Transportation](#)
4. Support Services Offices for Students:
  - Monroe Park Campus – The Office of [Student Accessibility and Educational Opportunity](#) (SAEO)
  - MCV Campus– [Division for Academic Success](#) (DAS)
5. [Technology Services](#)
6. [VCU Handbook on Educational Access for Students with Disabilities](#)
7. [VCU Handbook for Students with Disabilities](#)
8. [VCU Notice of Nondiscrimination](#)
9. [VCU Web Standards & Guidelines](#)

### External Resources

1. Facts about the ADA  
<https://www.eeoc.gov/eeoc/publications/fs-ada.cfm>
2. Information and Technical Assistance on the ADA  
<https://www.ada.gov/>
3. <https://www.dol.gov/ofccp/regs/compliance/section503.htm>
4. <http://law.lis.virginia.gov/vacode/title51.5/chapter9/section51.5-40/>

## Revision History

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This policy supersedes the following archived policies:

June 06, 2016	<i>Accessibility and Reasonable Accommodation for Individuals with Disabilities – Interim</i>
October 06, 2016	<i>Accessibility and Reasonable Accommodation for Individuals with Disabilities</i>

March 15, 2017	<i>Accessibility and Reasonable Accommodation for Individuals with Disabilities - Interim</i>
November 02, 2017	<i>Accessibility and Reasonable Accommodation for Individuals with Disabilities [minor edits]</i>
February 07, 2018	<i>Accessibility and Reasonable Accommodation for Individuals with Disabilities [minor edits]</i>

## FAQ

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### **1. What ADA compliance training and programs does VCU provide?**

The ADA/Section 504 Coordinator conducts ADA training and technical assistance workshops for VCU employees upon request and recommends priorities for achieving compliance with ADA. If you have questions about accessibility on campus, offering accommodation to employees, or want to know more about the Americans with Disabilities Act, the ADA/Section 504 Coordinator is available for consultation.

### **2. I am an employee and have been diagnosed with a disability. Do I have to tell my supervisor or the university?**

No, you do not have to disclose a disability unless you require an accommodation to perform your job responsibilities. If you initially decide not to disclose a disability and then reconsider for any reason, including a worsened condition, you may notify the university at that time. If you choose not to disclose your condition, the university will not be aware of any possible accommodations that might be needed.

### **3. I have received a Voluntary Survey of Disability Status disclosure form. Why does VCU need this information?**

As a recipient of federal contract funding, VCU is required to provide the Voluntary Survey of Disability Status to allow all employees an opportunity to self-identify as an individual with a disability. Responses to the survey are used for VCU's affirmative action planning and are kept confidential.

### **4. I am an employee with a disability who has been receiving a workplace accommodation. My condition has changed, and I need different or additional accommodations in order to perform my responsibilities. What do I do?**

If the accommodation provided by the university is not sufficient, contact your supervisor or the ADA/Section 504 Coordinator for a re-evaluation of your accommodation needs. Depending on your circumstances, you may be asked to provide further documentation to support the need for different or additional accommodations.

**5. I am a supervisor and an employee who reports to me just notified me that they have a disability. What do I do?**

Explain to the employee that the university has an ADA/Section 504 Coordinator and employees can voluntarily self-identify with the ADA Office to explore reasonable accommodation for a disability as defined in this Policy and make a written record of the request. You must consider a request for accommodation as soon as it is made, whether orally, in writing, or through a sign language interpreter, and confer with the ADA/Section 504 Coordinator to determine an appropriate response. You also may refer the employee to Human Resources.

You must take any request seriously, but the university is not always required to provide the accommodation requested. It is important that you do not agree to provide an accommodation until you have confirmed with the ADA/Section 504 Coordinator that a requested accommodation is reasonable in the specific situation.

**6. In an employment setting, may someone other than the individual with a disability request a reasonable accommodation on behalf of the individual?**

Yes, with the individual's authorization, a representative may request a reasonable accommodation on behalf of the individual with a disability. If a representative of an employee with a disability makes the request, the supervisor should discuss the matter with the employee as soon as possible. You should also contact the ADA/Section 504 Coordinator for guidance.

**7. An employee's doctor sent me a note saying the employee needs some special help at work because of a medical condition, but the doctor never said the employee needed a "reasonable accommodation." Is this a request for accommodation?**

Yes, the ADA does not require an individual with a disability or a representative to use the words "reasonable accommodation." The employee or a representative must communicate to the employer that they need a change at work for a reason related to a medical condition.

**8. I have identified an accessibility concern on campus and would like it to be resolved. Who can I talk to?**

If a student, employee or member of the public identifies a campus accessibility concern, they can access the [Accessibility Concern Form](#) or contact the ADA/Section 504 Coordinator at [ADAservices@vcu.edu](mailto:ADAservices@vcu.edu); Phone: (804) 828-1347; Address: 1001 Grove Avenue, Richmond, Virginia 23284.

**9. I am a student and would like to request an academic accommodation. What do I do?**

The Office of Student Accessibility and Educational Opportunity on the Monroe Campus and the Division for Academic Success on the MCV Campus provide services and supports for VCU students with disabilities so that they have the opportunity to benefit from the programs, services and activities offered at VCU. These offices provide support services to students with disabilities including, but not limited to, advocacy, adaptive materials, alternative testing and academic and career advising, and make recommendations for program accommodations in accordance with recent documentation. Students requesting accommodations should consult the [VCU Handbook for Students with](#)

[Disabilities](#) and contact the Support Services office on their campus, [The Office of Student Accessibility and Educational Opportunity](#) on the Monroe Park Campus or the [Division for Academic Success](#) on the MCV Campus.