	<b>Florida Gulf Coast University</b> Policy Manual	<b>POLICY: 1.008</b>  <b>Approved: 04/30/2010</b>
	<b>Title:</b>  <b>DISABILITY ACCESS POLICY AND PROCEDURE</b>	<b>Responsible Executive:</b> President  <b>Responsible Office:</b> Office of Institutional Equity and Compliance

**POLICY STATEMENT**

Florida Gulf Coast University (FGCU) is committed to equal opportunity and access for persons with disabilities. The University will comply with all provisions of state and federal laws in this regard and will provide, upon request, reasonable accommodations to qualified persons with a disability. This includes complying with the American with Disabilities Act Amendments Act of 2008 (ADA) which covers qualified individuals with a disability and provides for the use of reasonable accommodations and access.

**REASON FOR POLICY**

To comply with legal or regulatory requirements

**APPLICABILITY AND/OR ACCOUNTABILITY**

This policy applies to faculty, staff, students and visitors of the University community. The Office of Institutional Equity and Compliance and the Office of Adaptive Services are accountable for compliance of this policy.

**DEFINITION OF TERMS**

Individual with a Disability – Any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

Qualified Individual with a Disability – With respect to employment, a person with a disability who, with or without reasonable accommodation, can perform the job’s essential functions. With respect to education, a student who, with or without reasonable accommodation, meets the essential eligibility requirements for the receipt of services or participation in the program/activity.

Reasonable Accommodation – Modifications to the work environment/ educational environment or to the manner or circumstances under which the position/educational assignment is customarily performed, that enable a qualified individual with a disability to perform the job's essential function or the educational assignment or modifications that enable a covered entity's employee or student with a disability to enjoy the benefits and privileges of employment or education.

## PROCEDURES

### GENERAL POLICY

#### 1. Applicants with Disabilities:

No applicant for employment will be prohibited from applying for any position with FGCU for which that person is qualified solely because of any physical or mental disability.

Reasonable accommodations that do not pose an undue hardship shall be made for any qualified individual with a disability to ensure equal opportunity and access during the application and selection process.

Qualified applicants for employment with FGCU must make a request for reasonable accommodations through the Office of Institutional Equity and Compliance (OIEC).

#### 2. Faculty and Staff with Disabilities:

All University administrators, managers and supervisors shall be responsible for ensuring that employees with disabilities enjoy the same benefits and privileges of employment available to employees who are not disabled. This includes ensuring that qualified employees with disabilities are reasonably accommodated.

All employees with disabilities shall request a reasonable accommodation by informing their immediate supervisor, or designee, or the Director of OIEC. All requests will be forwarded to the OIEC, if not previously sent.

#### 3. Students with Disabilities:

All University faculty and staff will be responsible for ensuring that students with disabilities receive equal treatment and

access to all University programs, services and activities. University faculty and staff will also ensure that students with disabilities are reasonably accommodated.

Students with disabilities shall request a reasonable accommodation or auxiliary learning support through the Office of Adaptive Services. An annual report regarding student use of auxiliary learning support and reasonable accommodations will be forwarded to the Director of OIEC.

4. Visitors with Disabilities:

Departments or units conducting events, activities or programs should include notice on how and where to go to receive assistance regarding advisability on their webpage, flyers, bulletins, signage, etc., as applicable. Departments or units conducting events, activities or programs are responsible for providing and funding accommodations as needed. For additional information or support contact Adaptive Services for student-related matters and OIEC for all other matters.

Visitors needing reasonable accommodations may submit a request to the University department or unit responsible for and/or coordinating a respective event, activity, or program, or to the OIEC.

5. Roles of the OIEC and the Office of Adaptive Services:

- a. Inform the individual requesting a reasonable accommodation or auxiliary learning support of their rights and obligations and collect the information needed to process the request(s).
- b. Notify the appropriate department or faculty member with respect to students in their classroom, on a need-to-know basis only of the individual's request for a reasonable accommodation or auxiliary learning support. Provide assistance in completion of all necessary documentation.
- c. Consult with the appropriate department(s), as necessary, to facilitate a final determination of a request.

- d. Ensure that the University complies with all laws and regulations protecting the rights of persons with disabilities.

6. Medical Tests and Examinations:

Job-related medical examinations, tests and inquiries may be required at the University's expense to determine whether a person can perform the essential functions of a position with or without reasonable accommodations. All information acquired as part of a medical examination will be maintained separately and confidentially by either OIEC or Adaptive Services. Such information shall only be disclosed as permitted by law.

7. Approval and Implementation of a Request for an Accommodation:

When a request for a reasonable accommodation is approved, the respective Director (OIEC or Adaptive Services) responsible for the decision will immediately inform the individual in writing of the approval. The notice will also advise the employee of his/her right to recommence a request for a different accommodation should circumstances change.

The approved accommodation will be implemented as soon as practicable under the direction of the respective Director's office granting the accommodation.

8. Denial of a Request for an Accommodation:

If a request for a reasonable accommodation is denied, the respective Director (OIEC or Adaptive Services) responsible for the decision will inform the individual in writing (or other appropriate form of communication) of the denial and the reason for the denial. The notice will also advise the employee of his/her right to appeal the decision to deny the accommodation. Reasons for the denial may include:

- a. The individual requesting the accommodation does not meet the definition of an individual with a disability(ies).
- b. The requested accommodation is not reasonable and there is no other alternative. The reason for the decision will be clearly stated, as well as whether the

requested accommodation will create an undue hardship for the University.

- c. There was no correlation between the requested accommodation and the individual's disability (e.g., a wheelchair ramp requested by an individual who has a mental disability, with no physical impairment).
- d. The requested accommodation will change the fundamental nature of the program.
- e. The requested accommodation would violate a state or federal statute or regulation.

9. Record Keeping:

Any employee record containing medical information received under this policy must be maintained by OIEC as "medical-confidential" and kept separate from other files related to the employee. This information will remain confidential and only made accessible as allowed by law.

Information obtained from an employee's medical examination or inquiry shall not be used to unlawfully discriminate against the employee in any employment practice.

Final records of all requests for reasonable accommodation are submitted to the OIEC where they will be retained for the minimum period required by state law. Student requests for auxiliary services are maintained by the Office of Adaptive Services.

10. Complaints:

Any applicant or employee may file a complaint regarding an alleged violation of this policy by following the procedures set forth in the *Non-Discrimination and Anti-Harassment Complaint Policy and Procedures*. All complaints will be acknowledged and investigated according to University guidelines established in the aforementioned procedures.

All documentation regarding complaints filed under this Policy will be maintained in the OIEC for the period required by state law.

**RELATED  
INFORMATION**

Non-Discrimination and Anti-Harassment Regulation  
Non-Discrimination and Anti-Harassment Complaint Policy &  
Procedure

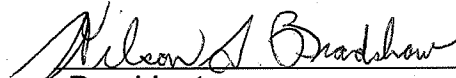
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**HISTORY**

New

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**APPROVED**

  
\_\_\_\_\_  
President

4/30/10  
\_\_\_\_\_  
Date



# STUDENT DISABILITY INFORMATION RECORD AND FORMAL REQUEST FOR ACCOMMODATIONS

As a student claiming to have a disability (hereinafter referred to as "disability"), I hereby designate the Office of Adaptive Services to be the holder of record for documentation of my disability. I further request that accommodations which are appropriate to my disability, and reasonable in context of the academic and student service environment under the Americans with Disabilities Act, be provided to me by appropriate entities at Florida Gulf Coast University. I realize that this application for special accommodations as a student with a disability will remain a part of my permanent record in this office.

Today's Date: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ University ID: \_\_\_\_\_

Name: \_\_\_\_\_

Permanent Address: \_\_\_\_\_

Local Address: \_\_\_\_\_

Phone #: (H) \_\_\_\_\_ (C) \_\_\_\_\_ (O) \_\_\_\_\_

Email: \_\_\_\_\_

Intended Major: \_\_\_\_\_

Type of Disability: \_\_\_\_\_

Current Disability-Related Medications: \_\_\_\_\_

\_\_\_\_\_

Accommodations and Services Preferred: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I understand that before accommodations can be provided, I must furnish current documentation of my disability from a professional who is licensed/certified in a field applicable to my 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. Should documentation I furnish be more than three years old, I understand that it is my responsibility to update my documentation within one month of the date of the submittal of the request for accommodations and that failure to do so may result in an interruption of accommodations or services.

Should FGCU have reason to question the accuracy of any documentation which I furnish, I understand that FGCU has the right to require me to obtain a second opinion by consulting a licensed/certified professional in a field applicable to my disability for additional verification. Should this second opinion contradict the first opinion or be inconclusive, I understand that FGCU has the right to require me to obtain a third opinion from an equally qualified professional.

**Release of General Information**

I understand that it will be necessary for the Office of Adaptive Service (OAS) to share certain routine, general information regarding my disability with FGCU personnel who have a legitimate need to know. I understand that my application for service authorizes OAS (at its discretion) to provide such information, but that when provided, it will be marked as confidential and will be limited to the following:

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

**Student's Responsibility**

Students receiving services are expected to act as independent, self-directing, responsible adults with regard to their student status. OAS 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 update documentation so that it accurately addresses current accommodation requirements.

I have reviewed the foregoing disability information sheet and formal request for accommodation and agree to all the terms and conditions stated herein.

Student's Signature \_\_\_\_\_ Date: \_\_\_\_\_





# DISABILITY ACCESS REQUEST FORM FOR EMPLOYEE

DATE: \_\_\_\_\_  
NAME: \_\_\_\_\_  
DEPARTMENT: \_\_\_\_\_  
LOCAL ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CHECK ONE: FACULTY: \_\_\_\_\_ STAFF: \_\_\_\_\_  
POSITION/TITLE \_\_\_\_\_  
DIVISION: \_\_\_\_\_  
HOME ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PHONE: \_\_\_\_\_  
E-MAIL: \_\_\_\_\_

PHONE: \_\_\_\_\_  
E-MAIL: \_\_\_\_\_

**EMPLOYEE** Describe the need for reasonable accommodation(s) including how this would help you to perform the essential functions of the job. Attach supporting documentation and/or have physician complete a medical questionnaire.

**OTHER USER:** Provide the name of the activity/event/program date and time reasonable accommodation(s) will be needed.

Empty text box for employee/other user response.

What is (are) your recommendation(s) for reasonable accommodation(s)? If unknown, please state "To be Determined."

Empty text box for recommendation response.

Requestor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Receiver's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

### OIEC USE ONLY

DISPOSITION: \_\_\_\_\_ . If denied, include a statement of undue hardship explaining reason for denial and attach additional documentation if applicable.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Use additional sheets of paper as necessary for your response.  
Forward request to the Office of Institutional Equity and Compliance, AB5, Room 213.  
This form is available in alternative formats upon request.  
TTY, VCO, HCO, ASCII or Speech-to-Speech via 711 for (239) 590-7405.*