



## **OP 91.122: STUDENTS WITH DISABILITIES**

### **PURPOSE**

The purpose of this Operating Policy and Procedure (OP) is to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (“Rehabilitation Act”), the Americans with Disabilities Act (ADA), and the Americans with Disabilities Act Amendments Act of 2008 (“ADAAA”) in the programs, facilities, and opportunities the University offers to students. This operating policy and procedure replaces and supplants AOP 12.35, OP 91.121, and OP 91.130.

### **POLICY**

#### 1. Non-Discrimination

Mississippi State University does not permit discrimination against qualified individuals with disabilities in its programs. To that end, MSU is committed to the integration of all individuals with disabilities into the programs and services of the University and to full compliance with all laws regarding equal opportunity for qualified students with a disability.

#### 2. Voluntary Disclosure and Registration with DRC

MSU provides appropriate support and accommodations through the voluntary disclosure of a disability and a request for accommodation. Disability Resource Center (“DRC”) provides disability consultation and the coordination of support services and accommodations for all qualified students with disabilities. Students with disabilities who wish to request an accommodation or modification must identify themselves to DRC by registering and submitting the accommodation requests. Directions are available at [www.drc.msstate.edu/students/apply-for-accommodations](http://www.drc.msstate.edu/students/apply-for-accommodations). Students who do not voluntarily disclose their disability to DRC and request accommodations are not eligible for services. The Disability Resource Center is located in Montgomery Hall, ground floor.

Students should make accommodation or modification requests as far in advance as possible of the relevant course, exam, activity, or program to allow appropriate consideration and planning. Because the reasonableness and appropriateness of an individual accommodation or modification request can vary substantially depending upon a student’s course load, schedule, or course content, accommodation or modification requests may be reviewed by DRC each semester.

#### 3. Verification of Disability/Documentation

Accommodations and modifications are determined based on appropriate disability documentation. Documentation considered can include the student self-report as one form of documentation, the impressions and conclusions of the DRC staff as secondary

documentation following a review of student interview information and evaluation of past accommodation history, as well as third-party documentation from external sources, including prior school reports, such as Individual Education Program (IEP), 504 Plans, teacher and school psychologist reports, and assessment reports and letters from licensed psychologists, health care providers, and therapists. While third-party documentation is required in most cases, when the condition and its impact are readily apparent, DRC staff may determine that no third-party documentation is needed.

Documentation should accurately reflect the current status of a student's relevant condition. The DRC staff may reserve the right to request additional documentation or more updated documentation when what has been provided does not adequately assist in establishing that the student has a disability, indicate how the disability impacts the individual, or inform the process of determining appropriate accommodations. All costs associated with obtaining proper documentation is borne by the student.

#### 4. Accommodations and Modifications

Under the ADA, the ADA AAA, and the Rehabilitation Act, all qualified students with a disability, are eligible for reasonable accommodations, including academic adjustments and auxiliary aids, to ensure access to University programs, services, and activities. Accommodations will not be provided if they fundamentally alter the nature of the program, if they would be unduly burdensome, either financially or administratively, to the University or if they would result in lowering academic and other essential performance standards.

Requests for academic accommodations or modifications should be submitted as early as possible to allow for adequate time for review of documentation and proper arrangements. All requests for accommodations should be made to the Disability Resource Center. Faculty and staff may direct students to contact the DRC to make their requests for accommodations.

Reasonable accommodations or modifications for qualified students with disabilities are determined on a case-by-case basis after an interactive process with the student, taking into account the needs of the student, the course standards and essential requirements, and the educational environment. To determine the reasonableness of a requested accommodation or modification, the DRC may seek information from appropriate University personnel regarding essential standards for courses, programs, facilities, or services. In reviewing the specific accommodations or modifications requested, the DRC may determine that while a recommendation is supported by third-party documentation, it is not the most appropriate accommodation or modification given the requirements of a particular student's academic program or that the requested accommodation or modification creates an undue burden or fundamentally alters the nature of the relevant program. The DRC may propose an alternative reasonable accommodation or modification that would be appropriate for the student, but which has not been requested.

The University will determine whether a student is entitled to a reasonable accommodation, modification or other disability service based on the quality of documentation submitted by the student. In addition, the University may deny participation in a program or service and/or to grant a requested accommodation or modification if the student's participation in the

program or service will present a direct threat to the life, health, safety, or welfare of the University community.

If the University determines that a student's requested accommodation or modification creates an undue burden, fundamentally alters the essential elements of a program, course or activity, or presents a direct threat to the life, health, safety, or welfare of the University community, the student will be notified that the requested accommodation or modification is unreasonable under the circumstances. DRC will then work with the student and appropriate University personnel to try and identify an alternative reasonable accommodation or modification.

#### 5. Student Responsibility for Notifying Instructors

Once a student has been approved by the DRC for academic accommodations, they are responsible for submitting a Notification Letter to instructors each semester. If a student does not submit this notification, the accommodations are not in place for the course. Directions to submit the Notification Letter through the online system are found at [www.drc.msstate.edu/students/academic-accommodations/notification-letter](http://www.drc.msstate.edu/students/academic-accommodations/notification-letter). If a student adds a class after initially sending the Notification Letter to other instructors, they must submit the notification to the instructor of the added course.

If students are approved for testing accommodations, they are responsible for submitting Test Requests with appropriate notice following DRC guidelines. Directions for submitting test requests are found at [www.drc.msstate.edu/testing-center](http://www.drc.msstate.edu/testing-center).

#### 6. Attendance and Disability

In accordance with the ADA and the ADAAA, Mississippi State University shall provide equal access for students with disabilities. Some students with disabilities may qualify for an attendance policy modification and should provide the instructor with proper notification from the Disability Resource Center concerning this accommodation prior to a disability-related absence. Questions about disability related absence should be directed to the DRC.

#### 7. Privacy

Documentation of a student's disability is maintained in a secured file. Disability accommodations and disability status are not listed on transcripts. The University will maintain privacy as required by applicable laws. A student's disability information may be disclosed to appropriate University personnel participating in the service, accommodation, or modification process, and when needed by others to carry out their work. Information may be disclosed to appropriate parties in a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

#### 8. \_Building and Campus Access

In the event a student with a disability experiences a barrier related to a building or campus access, they may submit an accommodation request to the DRC. The DRC will consider the

request and work with the necessary unit (e.g., Housing and Residence Life, Parking and Transit Services, college, or academic department) to address student needs to remove identified barriers when possible.

DRC will consider the student's documented request and make a recommendation to the University's Vice President for Finance and Administration (or his/her designee) for a determination of whether the request is a reasonable accommodation or modification that does not present an undue burden to the University. The Vice President for Finance and Administration (or his/her designee) may seek the assistance of the Campus Access Committee in making this determination.

If the Vice President for Finance and Administration (or his/her designee) considers the request as unreasonable or that it presents an undue burden to the University, DRC staff, the Vice President for Finance and Administration (or his/her designee), the Director of the Office of Civil Rights Compliance, and the student will engage in an interactive process to determine if an alternative reasonable accommodation or modification is available.

## 9. Appeals and Grievances

Students with disabilities or academic instructors or staff who have concerns about a granted service, accommodation, or modification for a University practice or requirement related to academics are encouraged to bring those concerns to the attention of the Director of the Disability Resource Center. He/She will review the matter and attempt to resolve the situation. In the event that the matter cannot be resolved, students, faculty, and staff have the right to use the University's grievance/appeal procedures. Appeals must be submitted to the DRC Director in writing through email. The appeal will be considered by an Academic Accommodations Appeals Committee consisting of at least one designee selected by each of the following: Faculty Senate, the Provost and Executive Vice President, and the Risk and Compliance Officer. As part of their consideration of an appeal, they will gather necessary information from the DRC, student, instructor, and any other relevant individuals.

For housing accommodation appeals, the first step will be to bring the concern to the attention of the DRC Director. If the concern cannot be resolved, an appeal can be submitted in writing through email and will be considered by the Housing Accommodations Appeal Committee consisting of a designee selected by each of the following: the DRC Director, , the Dean of Students, and the Risk and Compliance Officer. They will gather information from the student, Housing and Residence Life, the DRC and other relevant individuals.

Appeals on matters other than academics or housing should be submitted in writing through email to the DRC Director and will be considered by a committee of a designee selected by each of the following: the DRC Director, Risk and Compliance Officer, and the Dean of Students. Information will be gathered from the student and other relevant individuals.

The person filing the appeal or grievance should include his/her name and net id and describe the concern.

## 10. Additional Matters Related to Disability

This policy addresses the process through which a student may receive a reasonable accommodation or modification based upon his or her disability. If a student feels that he or she has suffered discrimination or harassment based on his or her disability, or retaliation for any complaint or request related to a disability, the student may make a complaint under the University's Discrimination, Harassment and Retaliation Policy (OP 03.03). The student can also contact the Director of Civil Rights Compliance. Information related to service animals and emotional support animals is considered under the University Service and Emotional Support Animal Policy (OP 91.123). Likewise, employment accommodations pertaining to student-employees will be considered under the University's Americans with Disability Act (ADA) Reasonable Accommodation in Employment Policy (OP 60.123).

### **REVIEW**

This OP will be reviewed every four (4) years or whenever circumstances require an earlier review by the Provost and Executive President and the Vice President of Student Affairs.

**REVIEWED BY**

/s/ Regina Hyatt 8/29/2023  
Vice President for Student Affairs Date

/s/ David Shaw 8/29/2023  
Provost and Executive Vice President Date

/s/ Tracey N. Baham 9/15/2023  
Associate Vice President, Institutional Strategy & Effectiveness Date

/s/ Joan Lucas 9/25/2023  
General Counsel Date

**APPROVED BY**

/s/ Mark E. Keenum 10/23/2023  
President Date