



## **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”) and the Americans with Disabilities Act of 1990 as amended (“ADA”) in the programs, facilities and opportunities the University offers to students. This operating policy and procedure replaces and supplants A.O.P. 12.35, O.P. 91.121 and O.P. 91.130.

### **POLICY**

Mississippi State University does not permit discrimination against qualified individuals with disabilities in its educational 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. In addition to making its academic programs and services accessible to all students, MSU strives to be a barrier-free campus. Various departments within the Divisions of Students Affairs, Academic Affairs and Campus Services play an important role in ensuring equal access to campus facilities and programs.

Under the ADA and Rehabilitation Act, all qualified students with a disability, as defined by law, are eligible for reasonable accommodations or modifications that enable a qualified individual the opportunity to enjoy equal access to the University’s programs and services unless such accommodation or modification would result in an undue burden to the University or fundamentally alter the nature of a program.

MSU provides appropriate support and accommodations through the voluntary disclosure of a disability and a request for accommodation. Disability Support Services (“DSS”), within the Department of Student Support Services, 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 DSS. Students that do not voluntarily disclose their disability to DSS and request accommodations are not eligible for services.

Accommodations and modifications are determined based on appropriate disability documentation. Qualified students with disabilities must meet the same academic standards as other students at the University.

Accommodations or modifications pertaining to service or assistance animals will be considered under the University Service and Assistance Animal Policy (O.P. 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 (O.P. 60-123).

### **ELIGIBILITY**

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 University 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 University may determine that while a recommendation is clinically supported, 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 University may also propose a 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. DSS will then work with the student and appropriate University personnel to try and identify an alternative reasonable accommodation or modification.

## **REGISTRATION/DOCUMENTATION**

Students who wish to request an accommodation or modification must first visit DSS at **25 Old Main, 01 Montgomery Hall**. Students are required to complete a DSS intake form and submit proper documentation of their disability and requested accommodations or modifications. DSS is responsible for deciding whether a disability or the need for an accommodation or modification has been properly documented. All costs associated with obtaining proper documentation is borne by the student.

Students should make accommodation or modification requests far in advance 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 DSS each semester.

## **CONFIDENTIALITY**

The University recognizes that student's disability documentation contains confidential information. Documentation of a student's disability is maintained in a confidential file in DSS and is considered part of the student's education records. Information related to a disability may be disclosed only pursuant to the University's Education Record Policy and federal law. A student's right to privacy must be balanced with the University's need to know and the University's use of the information to provide requested and recommended services, accommodations and modifications. Therefore, a student's disability information may be disclosed to appropriate University personnel participating in the service, accommodation or modification process. Also, 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.

## **PROCEDURE FOR REQUESTING ACADEMIC ACCOMODATIONS OR MODIFICATIONS**

Each semester, qualified students with a disability who have previously registered with DSS must submit a request for a Notification of Disability letter to DSS in order to receive an academic accommodation or modification for that semester. Students should consult DSS's website at <http://www.sss.msstate.edu/disabilities/> regarding the process for electronically submitting information. 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. **Unless a qualified student is registered with DSS, a request for an accommodation or modification made to a faculty or staff member, other than DSS staff, will not be treated as a request for accommodation.**

After DSS receives proper documentation of an academic accommodation or modification request from a registered qualified student with a disability, DSS will consult with the appropriate instructor, and administrators or other University personnel as needed, and those parties will make a collective determination of what reasonable accommodation or modification, if any, should be made for the student. In the event DSS and an instructor or administrator are unable to agree on the appropriateness of an accommodation or modification, a committee consisting of the Associate Provost for Academic Affairs, a designated representative of Faculty Senate, and the University's Chief Compliance Officer will promptly meet with DSS and the instructor to determine the appropriateness of the requested accommodation or modification.

After a determination has been made regarding the student's request for accommodation or modification, DSS will generate a Notification of Disability letter to be distributed electronically to pertinent instructors and other University personnel as needed each semester based on course, schedule and instructor information provided by the student.

A student may appeal the determination regarding an academic accommodation or modification to the Provost and Executive Vice President. A student must submit his/her appeal in writing to the Provost and Executive Vice President within five business days of receiving the Notification of Disability. The Provost and Executive Vice President (or his/her designee) will make the final decision regarding the reasonableness of the accommodation or modification. The Provost (or his/her designee) may seek the assistance of the Academic Accommodation Committee in making this determination.

In addition to academic accommodations or modifications, qualified students with a disability should also make requests for non-academic accommodations and modifications to DSS. DSS will coordinate the efforts of University departments to address specific access or services related to a student's educational experience. Any request related to physical access to a program or facility, such as modification to a facility or removal of a barrier, will be handled pursuant to the "Procedures for Requesting Facility Modification" below.

## **PROCEDURE FOR REQUEST FACILITY MODIFICATION**

In the event a qualified student with a disability requests a facility modification or alteration, including without limitation an accessibility barrier removal, classroom modification, or residence hall modification, the student must notify DSS. DSS will consider the student's documented request and make a recommendation to the University's Vice President for Campus Services or 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 Campus Services (or his/her designee) may seek the assistance of the Campus Access Committee in making this determination.

If the Vice President for Campus Services (or his/her designee) determines that the request is unreasonable or presents an undue burden to the University, DSS, a representative of the Division of Campus Services and the student will engage in an interactive process with the student to determine if an alternative reasonable accommodation or modification is available.

#### **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 Non-Discrimination and Anti-Harassment Policy (OP 03.03). The student can also contact the Director of Title IX and Equity Opportunity Programs at 662-325-3713.

**REVIEW:**

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

**RECOMMENDED BY:**

/s/ Jerome A. Gilbert  
Provost and Executive Vice President

06/26/2015  
Date

/s/ Bill Broyles  
Interim Vice President for Student Affairs

06/26/2015  
Date

**REVIEWED BY:**

/s/ Timothy N. Chamblee  
Assistant Vice President and Director  
Institutional Research & Effectiveness

06/29/2015  
Date

/s/ Joan Lucas  
General Counsel

07/02/2015  
Date

**APPROVED BY:**

/s/ Mark Keenum  
President

07/27/2015  
Date