

1. INSTITUTIONAL COMPLIANCE WITH TITLE II OF THE AMERICANS WITH DISABILITIES ACT (ADA) OF 1990, AS AMENDED IN THE ADA AMENDMENTS ACT OF 2008, AND SECTION 504 OF THE REHABILITATION ACT OF 1973.

- 1.01 It is the policy of Sam Houston State University (“SHSU” or “University”) that no otherwise qualified individual with a disability shall, by reason of his/her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any academic program or activity or in employment.
- 1.02 This policy outlines rights and responsibilities related to Sam Houston State University students with disabilities. Students seeking an appeal of a disability-related decision made by the University may follow the procedures outlined in section 6 of this policy or contact the U.S. Department of Education Office for Civil Rights, Texas Commission on Human Rights, or any other federal, state, or local agency, as is his/her right under Section 504 or the ADA.
- 1.03 The following statement should appear on all printed recruitment, admission, and registration materials: "Students with disabilities may request assistance with the admissions or registration process by contacting the Undergraduate or Graduate Admissions Office (telephone 936-294-1828, TDD 936-294-3788, and e-mail [admissions@shsu.edu](mailto:admissions@shsu.edu)) or the Registrar’s Office (telephone 936-294-1040, TDD 936-294-3789, and e-mail [ask.regstaff@shsu.edu](mailto:ask.regstaff@shsu.edu)), respectively."
- 1.04 SHSU Section 504/ADA Coordinators.
- a. The SHSU Section 504/ADA Coordinator for student academic-related matters is the Director of the SHSU Office of Services for Students with Disabilities (SSD), located in the Lee Drain Building Annex, SHSU Box 2091, Huntsville, Texas 77341, with telephone 936-294-3512, TDD 936-294-3786, and e-mail [disability@shsu.edu](mailto:disability@shsu.edu). SHSU and SSD promote full and equal access on the part of otherwise qualified students with disabilities to the educational and extra-curricular programs, activities, and services of the University. Students seeking academic adjustments and/or auxiliary aids and services under Section 504 or the ADA should contact SSD. SSD makes the initial determinations regarding such requests.
  - b. The SHSU Section 504/ADA Coordinator for employment-related matters is the Associate Vice President of Human Resources and Risk Management,

located in the SHSU Human Resources Department, College of Humanities and Social Sciences (CHSS) Building, Suite 410, SHSU Box 2356, Huntsville, Texas 77341, with telephone 936-294-1070, and e-mail [employment@shsu.edu](mailto:employment@shsu.edu).

- c. The SHSU Section 504/ADA Coordinator for facilities-related matters is the Assistant Director of Facilities Planning and Construction, located in the SHSU Facilities Management Department, 2424 Sam Houston Avenue, SHSU Box 2357, Huntsville, Texas 77341, with telephone 936-294-3663, and e-mail [FacilitiesManagement@shsu.edu](mailto:FacilitiesManagement@shsu.edu).

## 2. DEFINITIONS

2.01 The term disability means with respect to an individual:

- a. A physical or mental impairment that substantially limits one or more major life activities as listed in the ADA Amendments Act of 2008;
- b. A record of such an impairment (has a history of or has been classified as having a mental or physical impairment that substantially limits one or more major life activities); or
- c. Being regarded as having such an impairment (has been subjected to an action prohibited under the ADA, as amended, because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity).

2.02 "Qualified person with a disability" means:

- a. With respect to postsecondary and vocational education, persons with disabilities who meet the academic and technical standards requisite to admission or participation in the institution's programs and activities.
- b. With respect to employment, persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job in question.

3. RESPONSIBILITIES OF STUDENTS WITH DISABILITIES

- 3.01 Meet the minimum academic and technical standards for participation in the University's educational programs, activities, and services.
- 3.02 Follow policies and procedures of SSD as outlined in this policy and more fully detailed on their [website \(www.shsu.edu/disability\)](http://www.shsu.edu/disability) and available in hard copy at the SSD Office in the Lee Drain Annex. Specifically, students seeking assistance must:
- a. Register with SSD as described in the Procedures to Request Services;
  - b. Submit documentation of impairment(s) consistent with the General Documentation Guidelines;
  - c. Upon receiving SSD approval of academic adjustments and/or auxiliary aids and services, request accommodation forms or letters from SSD for academic courses;
  - d. Submit accommodation forms to instructors in a timely manner and, if necessary, engage in dialogue regarding the implementation of accommodations and services;
  - e. Apprise SSD in a timely manner of any concerns with the implementation of academic adjustments and/or auxiliary aids and services;
  - f. Notify SSD in a timely manner of any changes in mental and/or physical condition warranting different or additional accommodations and/or services and submit documentation supporting such need; and
  - g. Notify SSD in a timely manner of the need for approved auxiliary aids and services, such as sign language interpreting or captioning services, alternative textbook formats, and adaptive technologies. SSD recommends that students provide such notice at least two (2) months prior to the start of a semester in which the aids or services will be needed. Failure to provide timely notification may result in delays in the receipt of such aids and services.
- 3.03 Students may apply for an academic course substitution on the basis of a disability through consultation with SSD and the Course Substitution Procedure.

4. FACULTY RESPONSIBILITIES UNDER THE ADA, ADAA, AND § 504 OF THE REHABILITATION ACT OF 1973

4.01 Inform students of available assistance through SSD as follows:

- a. Include information on the SSD Office in course syllabi. For example: "Any student with a disability that affects his/her academic performance should contact the Office of Services for Students with Disabilities in the SHSU Lee Drain Building Annex (telephone 936-294-3512, TDD 936-294-3786) to request accommodations;"
- b. In the case of face-to-face courses, verbally inform students of SSD in the initial class session.

4.02 Refer all students that may informally request disability accommodations to this policy and to SSD for registration and request for services as described in section 3 above.

4.03 Review any SSD disability accommodation forms or letters presented by students. Consult with SSD when a recommended accommodation or service would, in the instructor's opinion, result in a fundamental or substantial alteration of essential course requirements. Engage in an interactive process with SSD and the student to identify and implement an appropriate alternative solution to ensure the qualified person with a disability has the opportunity to reach the same level of achievement in the course as other students.

4.04 Implement and/or facilitate all other SSD-approved and recommended accommodations presented by students in a timely manner.

5. RESPONSIBILITIES OF THE OFFICE OF SERVICES FOR STUDENTS WITH DISABILITIES (SSD)

5.01 The mission of the Office of Services for Students with Disabilities (SSD), located in the SHSU Lee Drain Building Annex (telephone 936-294-3512, TDD 936-294-3786), is to promote full and equal access on the part of otherwise qualified students with disabilities to the educational and extra-curricular programs, activities, and services of the University.

- 5.02 SSD evaluates student requests for academic adjustments and auxiliary aids and services and makes initial determinations with regard to such requests. Pursuant to this responsibility, the SSD Director or his/her designee:
- a. interviews the student with regard to his/her impairment(s) and request for academic adjustments and/or auxiliary aids and services;
  - b. reviews student's self-report and documentation with respect to his/her impairment to make an individualized assessment of necessary academic adjustments and/or auxiliary aids and services; requests additional and/or updated documentation as necessary;
  - c. develops an effective accommodation plan with the student, detailing the specific academic adjustments and/or auxiliary aids and services for which he/she has been approved, if such accommodations are warranted by the student's documentation and self-report;
  - d. makes forms or letters reflective of the student's accommodation plan available to the student upon his/her request for use in academic courses; and
  - e. consults with the student and his/her instructor(s), as needed, regarding the effectiveness and implementation of academic adjustments and/or auxiliary aids and services.
- 5.03 SSD is responsible for maintaining the security and confidentiality of disability documentation and related information submitted by students applying for SSD services. As a general rule, SSD limits its release of disability-related information to University faculty and staff to the extent necessary to verify that the student has a substantially limiting impairment and is entitled to receive certain academic adjustments and/or auxiliary aids and services on the basis of said impairment. SSD may release additional information to University faculty and staff regarding a student's disability, as it relates to his/her accommodations and educational needs, with the student's written consent.
- 5.04 SSD receives disability-related grievances from students, in accordance with Section 6 of this policy, Grievance Procedures.

## 6. GRIEVANCE PROCEDURES

- 6.01 Purpose and Resolution Options. The purpose of this section is to provide for the resolution of disability-related grievances of students in a prompt and equitable manner. **Students are encouraged to attempt to resolve their concerns directly with the faculty or staff member(s) in question or informally with SSD before proceeding to the grievance phase.** In addition to the procedures below, a student may choose to file a complaint of discrimination on the basis of a disability with the U. S. Department of Education Office for Civil Rights, Texas Commission on Human Rights, or any other federal, state, or local agency, as is his/her right under the Americans with Disabilities Act, as amended, and Section 504 of the Rehabilitation Act.
- 6.02 Retaliation. It is the policy of Sam Houston State University not to discriminate or retaliate against any student who has filed a disability-related grievance or who has assisted or participated in the investigation of such a grievance.
- 6.03 Support through SSD. Upon a student's request, SSD will provide the student with administrator contact information and reasonable accommodations and/or auxiliary aids and services that he/she may require to participate in the grievance process. Such accommodations and services may include, but are not limited to, sign language interpreting or captioning services and information in alternative formats.
- 6.04 Written Requirement. Except when prohibited by a student's impairment, all grievance and appeal notices and decisions shall be in writing and addressed to the authorities listed in 6.05 below with a copy to the SSD Director. When appropriate for the impairment, other accessible means (e.g., audio recording, digital text, etc.) will be substituted for the writing requirement.
- 6.05 Authority/Addressee for Grievances and Appeals. Disability-related grievances or discrimination complaints and appeals of grievance decisions should be addressed to the reviewing authorities listed below:
- a. For academic programs or faculty decisions:
    - (1) Grieving Authority is the Department Chair;
    - (2) Appellate Authority is the College Dean;
    - (3) Final Appellate Authority is the Provost.

- b. For decisions of the Office of Services for Students with Disabilities (SSD) regarding requests for academic adjustments and/or auxiliary aids and services:
  - (1) Grieving Authority is the Executive Director for Counseling and Health Services;
  - (2) Appellate Authority is the Vice President for Student Services. The decision of the Vice President for Student Services is final for grievances relating to SSD.
- c. For accessibility of a facility, organization, activity, event, or service of the University:
  - (1) Grieving Authority is the Building Liaison, Program Director/Coordinator, or Event Organizer;
  - (2) Appellate Authority is Vice President in whose division the grievance arose. The decision of the Vice President reviewing the appeal is final for accessibility grievances.

#### 6.06 Level One - Grievance

- a. Except when prohibited by a student's impairment, all grievance and appeal notices and decisions shall be in writing. When appropriate for the impairment, other accessible means (e.g., audio recording, digital text, etc.) will be substituted for the writing requirement.
- b. Within (15) working days of a decision or alleged disability-related discrimination, the student must notify the appropriate Grieving Authority listed in 6.05 above with a copy to the SSD Director.
- c. The elements of the written grievance shall include, at a minimum: the student's name, student ID number, mailing address, e-mail address, and telephone/telecommunication number; the facts and circumstances of the appeal or complaint; and the remedy or resolution sought by the student.
- d. The Grievance Authority will:
  - (1) review all documentation pertaining to the appeal or complaint;

- (2) request additional information from relevant parties as deemed necessary;
- (3) interview the student in person or by other accessible means (e.g., telephone/telecommunication service, in the case of a distance learner) as well as the alleged discriminating party or identified witnesses; and
- (4) notify the student, the SSD Director, and any other parties to the grievance of their decision within five (5) working days of receiving the appeal or complaint.

#### 6.07 Level Two - Appeal

- a. The student may appeal the decision of the Grievance Authority by notifying the appropriate Appellate Authority (as listed in 6.05) with a copy to the SSD Director within fifteen (15) working days of receiving notice of the Grievance Authority's decision.
- b. The Appellate Authority will:
  - (1) review all documentation pertaining to the appeal or complaint, including the decision of the Grievance Authority;
  - (2) request additional information from the student, the SSD Director, the Executive Director, and any other parties to the grievance, as necessary;
  - (3) interview the student in person or by other accessible means (e.g., telephone/telecommunication service, in the case of a distance learner). Appellate Authority has the option to interview the alleged discriminating party or witnesses;
  - (4) within five (5) working days of receipt of the appeal, provide a written decision to the student, the SSD Director, the Executive Director, and any other parties to the grievance; and
  - (5) take any additional steps necessary to implement his/her decision.

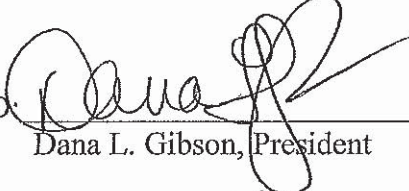


- (6) The appellate decision of the appropriate Vice President is final for grievance appeals related to SSD decisions or the accessibility of a facility, organization, activity, event, or service.

6.08 Level Three - Final Appeal for Academic Program or Faculty Decisions

- a. Grievance appeal decisions of a College Dean on a matter relating to an academic program or faculty decision may be appealed to the Provost. Students and the Provost will follow the steps and timelines outlined in 6.07 above.
- b. The Provost's decision is final.

- 6.09 SSD will maintain records pertaining to a disability-related grievance for a period of at least seven (7) years following the resolution of the grievance, per the departmental records retention policy.

APPROVED:   
Dana L. Gibson, President

DATED: 6.2.14

**CERTIFICATION STATEMENT**

This academic policy statement (APS) has been approved by the reviewer(s) listed below and represents SHSU's Division of Academic Affairs' policy from the date of this document until superseded.

Original: October 6, 1981      Review Cycle: October 1, ONY\*  
Reviewer(s): Council of Academic Deans      Review Date: October 2, 2017  
Faculty Senate  
Services for Students with Disabilities

Approved:   
Jamie Hebert  
Provost and Vice President  
for Academic Affairs      Date: 6-4-14

\*ONY = Odd Numbered Year