

Disability Accommodation

Policy Number: 101

Subject: Disability accommodation
Scope: Members of the University community, including administrators, faculty, staff, students, residents, postdoctoral research fellows, clinical fellows, volunteers (including faculty appointed without salary), applicants for employment or admission and other members of the University community and individuals who access services or programs of the University
Date Reviewed: August 2020

Responsible Office: Diversity & Equal Opportunity
Responsible Executive: Associate Vice President, Diversity and Equal Opportunity

I. POLICY AND GENERAL STATEMENT

The University of Texas Health Science Center at Houston ("University") is committed to providing equal access and opportunity for all employees, applicants, students, trainees, patients, other members of the University community and individuals who access services or programs of the University in accordance with state and federal laws and regulations, including the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act ("ADA"), as amended. Accommodations may be provided to an individual with disabilities for access to University facilities to perform the essential functions of his or her job and/or to participate in University academic programs, services and activities.

II. DEFINITIONS

Disability Coordinator: Responsible for handling disability accommodation requests for individuals with disabilities. The University's appointed Disability Coordinator can be contacted at (713) 500-CALL(2255), by emailing call@uth.tmc.edu or by visiting University Center Tower (UCT), 7000 Fannin St., Suite 150, Houston, Texas 77225. Unless otherwise specified, references in this policy to the Disability Coordinator include members of the Diversity & Equal Opportunity office and any other designees.

Section 504 Coordinator: In accordance with Section 504 of the Rehabilitation Act of 1973, the University is required to appoint at least one employee to coordinate compliance with Section 504. Each school's dean has appointed a Section 504 Coordinator. The Section 504 Coordinator for the Graduate Medical Education (GME) Program is the Designated Institutional Official (DIO). The Section 504 Coordinators for each school and the GME Program are listed on this [website](#).

Individual with a Disability: An individual with a physical or mental impairment who, as a result of such impairment, is substantially limited in performing one or more major life activities. This includes individuals who not only have an impairment, but also individuals who have a record of such an impairment. This also includes individuals who have been regarded as having such an impairment; however, a person who is considered an individual with a disability solely on the basis of being "regarded as" having a

disability is not eligible for a reasonable accommodation. An impairment may be caused by a medical condition related to pregnancy and may be permanent, chronic, or progressive. An impairment that is episodic or in remission is considered a disability under the ADA if the condition would substantially limit a major life activity when active.

Qualified Individual with a Disability: An individual who meets the definition of an individual with a disability and who also possesses the skills, experience, education, licensing, or other requirements of a program or a position he or she presently holds or will hold, and who can perform the essential functions of that program or position with or without reasonable accommodation.

Essential Functions: Tasks that are fundamental, not marginal, to the performance of an employee's job and/or to University academic programs, services, and activities.

Genetic Information: A person's family medical history, the results of a person's or family members' genetic tests, the fact that a person or a person's family member sought or received genetic services, and genetic information of a fetus carried by a person or a person's family member, or an embryo lawfully held by a person or family member receiving assistive reproductive services.

Reasonable Work Accommodation: A reasonable adjustment or modification in the work environment or in the manner a job or position held is customarily performed that enables a qualified individual with a disability to perform the essential functions of that position, so long as it does not create an undue hardship to the University.

Reasonable Academic Adjustment/Auxiliary Aid: A reasonable academic adjustment/auxiliary aid in the academic environment including facilities, services, instruction delivery, testing and/or equipment that would allow the student/trainee to have equal access to academic program(s) and equal opportunity to pursue academic program(s) and academic goals so long as it does not create an undue hardship to the University.

Auxiliary Aid: Examples include qualified interpreter, qualified reader, note-taker, taped text, transcription service, modification of equipment, relay service, telephone text devices (TDD's) for deaf or hearing impaired, large print, Braille, telephone amplifier, listening system (TDD's) for deaf or hearing impaired, large print, Braille, telephone amplifier, listening system, open and closed captioning, audio recording, computer terminal, speech synthesizer, communication board. May be provided in the work or academic context or at events open to the public.

Undue Hardship: Any accommodation that would cause an undue hardship on the operations of the University. In determining whether an accommodation would impose an undue hardship, factors to be considered include, but are not limited to, the nature of the accommodation, financial considerations, the impact of the accommodation upon the nature and operation of the department and/or whether the accommodation would fundamentally alter the essential elements of a program or position, course or degree requirements, or requirements of instruction, and effect of the request on the health and safety of other employees, students, or members of the University community.

Licensed Health Care Practitioner: A qualified individual who has completed a prescribed program of study in a health field and obtained a license or certificate indicating his or her competence to practice in that health field.

Student: Any enrolled individual registered for classes or instruction in good standing in any school. For purposes of this policy, trainees (residents and fellows) are required to utilize the procedures outlined for students in this policy. Applicants for admission as a student are required to utilize the procedures outlined in Section III.B below.

Emotional support animal: Animals that provide emotional support that alleviates one or more identified symptoms or effects of a person's documented, existing disability.

Service animal: A dog or miniature horse individually trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Such work or tasks include, but are not limited to: guiding people who are blind, alerting people who are deaf, pulling a wheelchair, and alerting/protecting a person who is having a seizure. The provision of emotional support, well-being, comfort or companionship does not constitute work or tasks for the purposes of defining a service animal.

III. PROCEDURE

A. Procedures for Applicants Seeking Employment

Applicants should contact the Disability Coordinator to discuss any requested accommodations during the hiring process. Employees involved in the recruiting process who believe they have received a request for accommodation from an applicant are required to contact the Disability Coordinator for assistance.

B. Procedures for Student Applicants

Applicants should contact the appropriate school's Section 504 Coordinator, who will in turn notify the Disability Coordinator, to discuss any requested accommodations during the application/interview process. Information provided during the admissions process concerning an applicant's disability must be provided by the applicant on a voluntary basis.

To allow adequate time to evaluate the required documentation, engage in the interactive process, and make arrangements for any accommodations to be provided, students accepted for admission are strongly urged to contact the appropriate Section 504 Coordinator as soon as possible after notice of admission regarding requests for accommodations during and/or after enrollment.

C. Procedures for Employees Requesting Workplace Accommodations

The employee must submit a completed Request for Reasonable Accommodations Form to the Disability Coordinator. Supervisors who receive a request for an accommodation from an employee must immediately notify the Disability Coordinator. Supervisors may not unilaterally grant accommodations.

NOTE: Temporary modified duty will be made available to pregnant employees on the same basis as it is available to employees who have suffered a compensable injury or occupational disease (HOOP 100, Workers' Compensation) and are similar in their ability or inability to work. Employees seeking an accommodation of temporary modified duty because of pregnancy under this policy must follow the same procedures as employees seeking other workplace accommodations.

1. Medical Certification/Documentation of Disability for Workplace Accommodations

The Disability Coordinator will provide the employee with a copy of his or her job description and a Medical Inquiry Form to be completed by the employee's Licensed Health Care Practitioner in accordance with the form's instructions. The employee must submit the completed Medical Inquiry Form to the Disability Coordinator. If the disability and/or need for workplace accommodation is clearly apparent, the Licensed Health Care Practitioner need only complete the portions of the Medical Inquiry Form pertaining to restrictions related to the employee's specific essential job functions and suggestions or recommendations for reasonable workplace accommodations, if any.

2. Non-Receipt of Documentation

If the Disability Coordinator does not receive the required documentation and information from the employee within fourteen (14) calendar days after the employee's initial request for accommodation, the request for accommodation will be denied for lack of necessary information. However, the employee will not be barred from re-filing the request.

Calculation of calendar days does not include holidays or "skeleton crew" days indicated on the published University calendar for purposes of this policy.

3. Interactive Reasonable Workplace Accommodation Review

When the required documentation has been provided to and/or obtained by the Disability Coordinator, the Disability Coordinator will determine if the employee is a Qualified Individual with a Disability (defined in Section II above). If the requesting employee is a Qualified Individual with a Disability, the Disability Coordinator, the employee's supervisor, and the employee will engage in an interactive process facilitated by the Disability Coordinator to determine appropriate reasonable accommodations, if any. The interactive process may include:

- analyzing the particular job involved to determine its purpose and essential functions;
- consulting with the employee to ascertain the precise job-related limitations imposed by the individual's disability and how those limitations could be overcome with reasonable accommodation;
- identifying potential accommodations and assessing the effectiveness each would have in enabling the individual to perform the essential functions of the position;
- considering the preference of the employee requesting accommodations and
- selecting and implementing the reasonable accommodation that is most appropriate for both the employee and the University.

If requesting non-standard office furniture (such as treadmill desks, kneeling chairs, standing desks, etc.) as a reasonable accommodation, refer to HOOP 124, Authority to Execute Contracts and Make Purchases, Section I.B. before making related purchases.

After the employee and the employee's supervisor have engaged in the interactive process, the Disability Coordinator will prepare a written response documenting the accommodation offer and provide the response to the employee and the employee's supervisor for signatures. The employee's Request for Reasonable Accommodations, the Medical Inquiry Form, the written response and other related documents will be maintained by the Disability Coordinator.

Employees who have been granted a reasonable workplace accommodation must maintain the University's standards of performance and conduct consistent with departmental requirements, University policy, and any accommodation provided to the employee.

4. Appeal

If an employee disagrees with the denial of an accommodation, the employee may appeal in writing to the Disability Coordinator within seven (7) calendar days of the receipt of the written response. Upon receipt of the written appeal, the Disability Coordinator will convene a panel with representatives from Employee Health Services or other appropriate medical review representatives, Employee Relations or the Office of Faculty Affairs and Development, based on the requesting employee's status, and Facilities Operations, if applicable. The Office of Legal Affairs will advise the panel as needed. The panel will review the Request for Reasonable Accommodations and the appeal and may ask the Disability Coordinator, requesting employee, supervisor, or other pertinent persons to provide additional information pertaining to the accommodation request. Within fourteen (14) calendar days of the panel convening, the panel will render a written decision to the employee, the supervisor and the Disability Coordinator concerning the accommodation request. The decision of the panel is final.

5. Cost

The employing or educational department bears the responsibility for funding approved accommodations. If the department head believes that the department does not have sufficient budgetary capacity to cover the cost of providing the approved accommodation, the department head must notify the Disability Coordinator, and the department shall submit a request and explanation for additional funding to the appropriate budget administrator. The Senior Executive Vice President, Chief Operating Officer will make the final determination regarding funding.

D. Procedures for Students/Trainees Requesting Academic Accommodations/Auxiliary Aids

The student/trainee must contact the Section 504 Coordinator at his or her school or the Disability Coordinator as soon as he or she is aware of the need for an academic accommodation/auxiliary aid. The Section 504 Coordinator or Disability Coordinator will provide the student/trainee with the [Request for Reasonable Accommodations Form](#). The student/trainee must submit the completed form to the Section 504 Coordinator or the Disability Coordinator. Faculty members who receive a request for an accommodation from a student/trainee must immediately notify the Section 504 Coordinator, who will notify the Disability Coordinator. Faculty members may not unilaterally grant accommodations.

NOTE: Students/trainees seeking an accommodation because of a pregnancy-related medical condition under this policy must follow the same procedures as students/trainees seeking other accommodations.

1. Medical Certification / Documentation of Disability for Academic Accommodation/Auxiliary Aid

The student/trainee should submit a [Medical Inquiry Form](#) to his or her Licensed Health Care Practitioner for completion. The student/trainee must submit the completed Medical Inquiry Form to the Section 504 Coordinator or Disability Coordinator. If the disability and/or need for an accommodation/aid is clearly apparent, the Licensed Health Care Practitioner need only complete the portions of the Medical Inquiry Form pertaining to restrictions related to the student's disability and suggestions or recommendations for reasonable academic accommodation or auxiliary aids, if any.

2. Non-Receipt of Documentation

If the Section 504 Coordinator or the Disability Coordinator does not receive the required documentation and information from the student/trainee within fourteen (14) calendar days after the student's initial request for accommodation, the request for accommodation will be denied for lack of necessary information. However, the student will not be barred from re-filing the request. Calculation of calendar days does not include holidays or "skeleton crew" days indicated on the published University calendar for purposes of this policy.

3. Interactive Review of Request for Academic Accommodation/ Auxiliary Aid

When the required documentation has been provided to and/or obtained by the Disability Coordinator, the Disability Coordinator will determine if the student/trainee is a Qualified Individual with a Disability (as defined in Section II). If the requesting student/trainee is a Qualified Individual with a Disability, the Section 504 Coordinator and the student/trainee will engage in an interactive process facilitated by the Disability Coordinator to determine appropriate reasonable accommodations, if any. The interactive process may include: analyzing the particular course, program, or activity to determine the essential instruction requirements, determining what may be directly related to licensing requirements, determining whether the accommodation would cause a fundamental alteration to program requirements, consulting with individuals knowledgeable about licensing requirements and programs to ascertain the precise limitations imposed by the individual's disability and how those limitations could be reasonably accommodated, identifying potential accommodations and assessing the effectiveness each would have in enabling the individual to participate, considering the preference of the student/trainee requesting accommodation, and selecting and

implementing the reasonable accommodation that is most appropriate for both the student/trainee and the University. After the student and the Section 504 Coordinator have engaged in the interactive process, the Disability Coordinator will prepare a written response documenting the accommodation offer and provide the response to the student/trainee and Section 504 Coordinator for signatures. A copy will also be sent to the appropriate school or program for signatures. The student's/trainee's Request for Reasonable Accommodations, the Medical Inquiry Form, the written response and other related documents will be maintained by the Disability Coordinator and Section 504 Coordinator.

4. Appeal

If a student/trainee disagrees with the Disability Coordinator's denial of an accommodation, the student/trainee may appeal in writing to the Disability Coordinator within seven (7) calendar days of receipt of the written response. Upon receipt of the written appeal, the Disability Coordinator will convene a panel with representatives from Facilities Operations, if applicable, Student Health Services (Employee Health Services for residents) or other appropriate medical review representatives, and the school or program.

The Office of Legal Affairs will advise the panel as needed. The panel will review the Request for Reasonable Accommodations Form and appeal and may ask the Disability Coordinator, the Section 504 Coordinator, the requesting student/trainee, pertinent faculty members, or other pertinent persons to provide additional information pertaining to the accommodation request. Within fourteen (14) calendar days of the panel convening, the panel will render a written decision to the student/trainee, the school or program, the Section 504 Coordinator and the Disability Coordinator concerning the accommodation request. The decision of the panel is final.

5. Cost

The school or program bears the responsibility for funding approved accommodations. If the school or program believes that it does not have sufficient budgetary capacity to cover the cost of providing the approved accommodation, the school or program must notify the Disability Coordinator, and the school or program must submit a request and explanation for additional funding to the appropriate budget administrator. The Senior Executive Vice President, Chief Operating Officer will make the final determination regarding funding.

E. Elective Credit

Students with a disability intending to earn credit for electives at other educational institutions with which the University has an existing affiliation agreement and who desire accommodation(s) for their disability during the elective must first request accommodation(s) from the educational institution providing the elective. If the other institution denies the request, the student may request accommodation(s) from the appropriate school's Section 504 Coordinator at the University. The student must provide the following information to the school's Section 504 Coordinator, who will coordinate with the Office of Diversity and Equal Opportunity:

1. Documentation that the student has requested accommodation from the institution providing the elective and documentation of that institution's response to the student's request; and
2. A signed statement from the student attesting that the student commits to the scheduled elective and agrees to forego any changes in scheduling once a request for accommodation has been approved.

The Office of Diversity and Equal Opportunity will respond to the student's request within fourteen (14) calendar days of timely receipt of the request and all necessary documentation. If the request for accommodation during the elective is denied, the University will document the reasons for the denial, including a written statement giving the factors considered and the basis for reaching the decision.

F. Service Animals and Emotional Support Animals

See the attached guidelines for information on the use of service animals and emotional support animals.

G Public Service, Programs or Activities

1. Requesting Auxiliary Aids/Services

The University, upon adequate notice of a need for reasonable and necessary auxiliary aids or services, will provide such reasonable aids or services to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of a University-sponsored service, program, or activity (for example, public events such as graduation ceremonies). Requests for auxiliary aids or services, including appropriate medical documentation of the need for such aids or services (unless the disability is clearly apparent), must be made in writing to the Disability Coordinator. All requests must be made at least forty-five (45) calendar days prior to the date the aid or service is required, the program starts, or the activity occurs.

2. Appeal

An individual who disagrees with the Disability Coordinator’s denial of an accommodation may appeal in writing to the Disability Coordinator within seven (7) calendar days of receipt of the written response. Upon receipt of the written appeal, the Disability Coordinator will convene a panel with representatives from Facilities Operations, if applicable, Employee and/or Student Health Services or other appropriate medical review representatives, and the school or program. The Office of Legal Affairs will advise the panel as needed. The panel will review the [Request for Reasonable Accommodation Form](#) and the appeal and may ask the Disability Coordinator, the Section 504 Coordinator, the requesting individual, or other pertinent persons to provide additional information pertaining to the accommodation request. Within fourteen (14) calendar days of the panel convening, the panel will render a written decision to the requesting individual, the appropriate school or program, the appropriate Section 504 Coordinator (if applicable) and the Disability Coordinator concerning the accommodation request. The decision of the panel is final.

H. Non-Educational Affiliated Institutions

If an accommodation request is related to assignment at an affiliated institution (e.g., Memorial Hermann Hospital, U.T. MD Anderson Cancer Center, Harris Health), the designated Section 504 Coordinator, if applicable, and/or the Disability Coordinator will confer with the affiliated institution's representative on a case-by-case basis.

I. Independent Medical Opinion

The University may require the individual making the request for accommodation to obtain, at the University’s expense, an independent medical opinion concerning the impairment (excluding Genetic Information) for which an employee or student seeks a reasonable accommodation. This opinion may include additional suggestions or recommendations regarding reasonable workplace accommodations, academic accommodations, or auxiliary aids. The failure of the requesting individual to cooperate with obtaining this independent medical opinion will result in the denial of the request for accommodation/auxiliary aid.

J. Confidentiality

Records or information obtained by the Disability Coordinator as part of the accommodation request process that reflect diagnosis, evaluation, or treatment of a person’s health condition are confidential and shall be maintained by Diversity & Equal Opportunity. Such records shall be shared only with those University employees who the Disability Coordinator determines have a need to access such records or to know such information in order to implement the workplace/academic accommodation process. These records shall not otherwise be released to anyone except as required by law. Information obtained by the Disability Coordinator during the accommodation request process is not obtained as part of psychological counseling services (even if the information is provided by a psychiatrist, psychologist or counselor) and is not subject to any confidentiality regulations that may be applicable to such counseling services.

K. Complaint

Any individual who alleges discrimination on the basis of a disability may contact Diversity & Equal Opportunity and assert a complaint pursuant to [HOOP 183, Nondiscrimination, Anti-Harassment and Equal Opportunity](#). Any individual who alleges retaliation due to a request for an accommodation made pursuant to this policy may contact the Office of Institutional Compliance pursuant to [HOOP Policy 108, Protection from Retaliation](#). This does not include complaints regarding the decision of the Disability Coordinator or appeal regarding a decision made pursuant to this policy. Those decisions cannot be appealed except as provided in this policy.

L. Other Requests for Accommodation

Patients, members of the University community and individuals who access University services or programs and have an accommodation request not otherwise addressed by this policy should contact the Disability Coordinator.

IV. CONTACTS

Diversity and Equal Opportunity	Section 504 Coordinator
713-500-2255 call@uth.tmc.edu https://www.uth.edu/hr/department/equal-opportunity/	https://www.uth.edu/hoop/section-504-coordinators.htm