

96-6 NONDISCRIMINATION ON BASIS OF DISABILITY

History: Res. 7346 adopted 12/6/96; replaces RPD 88-9 (established by Res. 5008 adopted 7/8/88)

I. POLICY STATEMENT

The University of Wisconsin System is committed to making individuals with disabilities full participants in its programs, services and activities through its compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990. The Board of Regents recognizes that individuals with disabilities may need accommodations to have equally effective opportunities to participate in or benefit from the university's programs, services and activities.

It is the policy of the University of Wisconsin System that no otherwise qualified individual with a disability shall be denied access to or participation in any program, service, or activity offered by the universities. Individuals with disabilities have a right to request accommodations. Individuals will receive appropriate accommodations to their needs in order to fully participate in or benefit from the university's programs, services and activities in a non-discriminatory, integrated setting.

The University of Wisconsin System and any of its agents shall not coerce, intimidate, retaliate against or discriminate against any individual for exercising a right under the ADA or Section 504, or for assisting or supporting another to exercise a right under the ADA or Section 504. The University of Wisconsin System will not give significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit or service to beneficiaries of the university's programs.

II. DEFINITIONS

1. Disability means, with respect to an individual:
 - a. a physical or mental impairment that substantially limits one or more of the person's major life activities;
 - b. a history of such an impairment; or
 - c. being regarded as having such an impairment.
2. A Qualified Individual with a Disability is someone who (with or without accommodations) meets the essential eligibility requirements for participating in programs, services, and activities provided by the university.
3. Accommodation means adjustments including reasonable modifications to rules, policies, or practices; environmental adjustments such as the removal of architectural, communication, or transportation barriers; or auxiliary aids and services. Examples of accommodations include, but are not limited to: alternative testing, extended time, scribe, interpreter, environment free of distractions, brailled material, taped lectures, and computer-assisted instruction.
4. Essential Eligibility Requirement means the academic or other technical standards required for admission to or participation in the university's programs, services, or activities which an individual must be able to meet with or without accommodation.
5. Individual means any person applying for admission to or participation in a program, service or activity of the university, or any person currently participating in a program, service or activity of the university.

III. RESPONSIBILITIES

1. UW System Administration:

- a. The President of The University of Wisconsin System shall appoint and maintain an Advisory Committee to provide information and recommendations relating to individuals with disabilities.
- b. The President of the University of Wisconsin System shall designate a person or office to be a resource to the President's Advisory Committee, to act as a liaison to other agencies, and to assure that each institution has developed the procedures required by this policy.
- c. System Administration shall develop operational guidelines for implementing this policy.

2. UW Institutions:

- a. Each Chancellor shall appoint an advisory committee, including students, to provide information and recommendations responsive to the needs and concerns of individuals with disabilities.
- b. Each Chancellor shall designate one or more individuals to coordinate its efforts to comply with and fulfill its responsibilities under Title II of the ADA and Section 504 and to investigate any complaints alleging the institution's non-compliance with Title II of the ADA and Section 504.
- c. Each institution shall adopt and make readily available in suitable formats (e.g., enlarged, Braille, audio-taped):
 - i. a procedure which allows an individual, including both prospective and current students, to disclose a disabling condition and request accommodations believed needed to obtain equal access to and participation in university programs, services and activities;
 - ii. a procedure for confirming an individual's disability and assessing the appropriateness of the requested accommodations;
 - iii. a procedure for sharing, storing and protecting confidential medical information;
 - iv. a procedure for providing accommodations.
- d. Each institution shall maintain data on the nature and extent of the services provided to individuals with disabilities. System Administration will develop data collection requirements as part of the operational guidelines for implementing this policy.
- e. Each institution shall provide accommodations to allow individuals with disabilities to participate in or benefit from the university and its programs, services and activities in the most integrated setting appropriate.
- f. Each institution shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would violate Title II of the ADA or Section 504. These procedures should be applicable to any anticipated complaint, including an appeal of a denied accommodation request.
- g. An institution will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures that are required to comply with the provisions of Section 504 and the ADA.
- h. An institution will provide funding for auxiliary aids while an individual's application for funding by other agencies is being reviewed.

- i. Each institution shall provide periodic in-service training for faculty and staff to develop their awareness and understanding of the needs of individuals with disabilities and legal compliance issues.

3. Individuals with Disabilities:

- a. Each individual is responsible for making timely and complete disclosures and specific requests regarding accommodations to meet his or her particular needs in order to enable the UW institution to provide an appropriate response. It is strongly recommended that requests for accommodations be made at least eight weeks prior to the date they would be needed to avoid delays which could affect participation in a program, service, or activity.
- b. Each individual seeking accommodations based on a disability shall demonstrate initiative in obtaining and arranging accommodations. If requested, institutions will assist an individual in making the necessary applications for funding from other agencies.
- c. Each individual is required to submit documentation verifying his or her disability and limitations which is appropriately current and prepared by a qualified professional. Individuals submitting incomplete information may be asked to provide additional verifying documentation. Individuals may be required to participate in additional evaluations needed to determine the individual's eligibility for an accommodation or what constitutes an appropriate accommodation.
- d. The university shall not require an individual with a disability to accept an accommodation, aid, service, opportunity or benefit under any circumstances.
- e. Students with disabilities are expected to abide by the student conduct code in the same manner as all students.

IV. FACILITY ACCESSIBILITY

1. Existing Facilities:

- a. Structural changes in existing facilities are not required when other methods provide program accessibility. Existing facilities shall be made readily accessible to qualified individuals with disabilities, through such means as:
 - i. Redesigning equipment or the facility after case review.
 - ii. Providing appropriate signage.
 - iii. Reassigning classes, staff, or services to accessible sites.
 - iv. Delivering health, advisory, and support services at accessible sites.
- b. Remodeling projects which affect the usability of a facility or any part of a facility shall, to the maximum extent feasible, be completed in such a manner that the facility is readily accessible to and usable by persons with disabilities.
- c. Evacuation procedures shall be developed by each institution for individuals with disabilities.

2. New Construction:

Each facility or part of a facility constructed by, on behalf of, or for the use of the university must be designed and constructed in such a manner that the facility is readily accessible to and usable by persons with disabilities.

3. **Off Campus:**

Contractual or lease agreements for the use of off-campus facilities should reflect efforts to secure accessibility. Any program, service, or activity in that facility must be accessible.

V. **EDUCATIONAL PROGRAMS AND ACTIVITIES**

1. **Admissions or Enrollment:**

- a. No information regarding an applicant's disability may be solicited to determine admission to the university. However, such inquiries may be made after an individual has been admitted for purposes of providing appropriate accommodations.
- b. The number or proportion of individuals with disabilities who will be admitted or enrolled may not be limited solely on the basis of disability.
- c. Tests administered for purposes of admission, enrollment, or placement may not discriminate.

2. **Testing:**

- a. Before tests are selected and administered, campuses first should confirm that assessments do not discriminate by ensuring that:
 - i. Tests are selected and administered so that the results reflect aptitude or achievement level, or whatever other factor the test purports to measure, rather than the applicant's disability, unless the existence of a disability must be determined to allow an individual access to a program, services or activity established for individuals with disabilities.
 - ii. The tests administered to individuals with disabilities are available as regularly and in as timely a manner as are other admissions tests. The individual is responsible for making special needs known in a timely manner.

3. **Off-campus Activities:**

If a program is not wholly operated by the university but requires student participation (for example, internships, co-op, and student teaching assignments), the institution shall attempt to assure that these activities, as a whole, provide an equal opportunity for the participation of individuals with disabilities.

Prospective enrollees for UW-Extension and university outreach programs are responsible for making requests for any special modifications or auxiliary aids. Registration forms and program announcements must allow applicants to identify special needs and request accommodations.

4. **Accommodations:**

- a. **ACADEMIC REQUIREMENTS**--Academic requirements shall be modified, as necessary, so that they do not discriminate against qualified individuals with disabilities.
- b. **PROGRAM EXAMINATIONS AND EVALUATIONS**--Examinations or other procedures for evaluating an individual's academic achievements should, where necessary, be adapted to permit evaluating the achievement of individuals who have a disability, rather than reflecting the individual's disability.

- c. **ACADEMIC SUPPORT SERVICES**--No participant with a disability in a university program or activity shall be denied the benefits of, be excluded from participation in, or be otherwise discriminated against in the provision of educational support services available to all individuals in general.

All auxiliary aids, services or other accommodations used by individuals with disabilities to provide access to university programs, services, and activities need not be on hand or present at all times.

The university does not provide individuals with disabilities with personal devices or assistance for personal use, including but not limited to wheelchairs, eye glasses, hearing aids, personal assistance for eating or dressing, or readers for personal use.

Accommodations shall not fundamentally alter the nature of the program, service, or activity; require waiver of essential program or licensure requirements; violate accreditation requirements; unnecessarily intrude on academic freedom; or pose an undue fiscal or administrative burden on the institution.

The university retains authority in determining appropriate accommodations after giving consideration to the wishes of the individual, the documentation provided, and institutional expertise in working with individuals with disabilities.

5. **Physical Education, Athletics, and Related Activities:**

Each institution shall require that all physical education courses, intercollegiate and intramural athletics, and related activities, taken as a whole, provide an equal opportunity for the participation of qualified individuals with a disability. Individuals who cannot participate in standard physical education courses or compete in athletic programs with or without accommodation because of a disability may be offered alternates that are separate or different, provided that the programs and activities are operated in the most integrated setting appropriate. If accommodations are not possible in a required course, a procedure for requesting a substitution should be available.

6. **Insurance:**

For institutions which provide insurance plans and health services, the university shall afford these benefits to qualified persons with disabilities in a manner consistent with ADA. A student health center must provide the same types and levels of service for all students, non-disabled and disabled. In addition, student health centers should be prepared to provide individuals with disabilities with information about where specialized health services may be obtained, if these services are not provided at the center.

7. **Housing:**

- a. **ON-CAMPUS HOUSING**--Where a university provides on-campus housing/food services, it shall provide comparable, convenient, and accessible services at the same cost to individuals with disabilities.
- b. **OFF-CAMPUS HOUSING**--Where a listing of private off-campus housing is provided by any university office, it should identify those units that are accessible to individuals with disabilities.

8. **Financial Aid:**

Financial aid awards may take into account the special needs of individuals with disabilities.

Adjustments to awards as allowed by the rules or regulations governing the financial aid program may

be made by the financial aid service.

9. **Student Employment:**

The University of Wisconsin System complies with Title I of the Americans with Disabilities Act and Section 504 so that students with disabilities have an equal opportunity to participate in institutional employment opportunities.

10. **Advising, Counseling and Placement Services:**

Institutions shall not counsel or advise qualified individuals with disabilities toward more restrictive career objectives than non-disabled individuals with similar interests. This does not preclude providing factual information about licensing and certification requirements that may present obstacles to individuals with disabilities in their pursuit of particular careers.

11. **Social Organizations:**

Before providing official recognition or assistance to fraternities, sororities, or other campus organizations, institutions shall request and obtain assurance that the organization does not permit actions prohibited by this policy.

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The Policies included in this document represent significant policies approved by the UW Board of Regents. This document is a ready reference for those charged with carrying out board policy. It will be updated annually in August. Unless noted otherwise, associated documents and reports may be obtained from the Office of the Secretary of the Board of Regents, 1860 Van Hise Hall, 1220 Linden Drive, Madison, WI 53706, phone (608) 262-2324.

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