

UNIVERSITY OF ARKANSAS AT LITTLE ROCK

TRANSMITTAL OF FACULTY SENATE LEGISLATION

Faculty Senate legislation is to be submitted to the Chancellor to approve or disapprove within ten calendar days after the Assembly review period. The Chancellor may approve or disapprove any Faculty Senate legislation within a period from the eleventh through the twenty-fifth calendar day after the Faculty Senate action has been presented to the Assembly unless the Assembly has been petitioned to amend or rescind the Faculty Senate legislation. In the latter case, the Chancellor's approval or disapproval shall be made no later than fifteen calendar days after the Assembly has voted on and failed to approve a motion to amend or rescind a legislative action of the Faculty Senate. The chancellor shall provide written reasons for disapproval to the Faculty Senate.

To the Chancellor of the University of Arkansas at Little Rock:

The following legislation passed the UALR Faculty Senate on April 28, 2023

FS_2023-08. **Revise Policy 404.9 on accommodating students with disabilities.**

Be it resolved that the title of Policy 404.9 (Academic Adjustment for Students with Disabilities) be changed to "Academic Accommodations for Students with Disabilities"; and

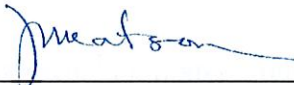
Be it further resolved that Policy 404.9 be replaced with the language in [Attachment B](#); and

Be it further resolved that if approved, the modifications to this policy would go into effect ~~July~~ September 1, 2023.

Disseminated to University Assembly:

Date: August 16, 2023

Faculty Senate President's Signature: _____



Date: August 28, 2023

Joanne Liebman Matson

Received in Chancellor's Office:

SEP 05 2023

Date: _____

Chancellor's Action:

APPROVED

Chancellor's Signature



Date: 9/16/2023

Christina Drale

DISAPPROVED

(reasons to be attached)

Chancellor's Signature _____

Date: _____

Christina Drale

Attachment B - Policy 404.9 Revision

[motion would replace entire [existing 404.9](#)]

Academic Accommodations for Students with Disabilities

1. Summary

The University is committed to providing qualified students with disabilities an equal opportunity to participate in and enjoy the benefits of all academic services, programs, or activities. Under the Americans with Disabilities Act of 1990 as amended, public entities such as universities must reasonably modify their policies, practices, or procedures to avoid discrimination unless such modifications would fundamentally alter the nature of their service, program, or activity. [The Americans with Disabilities Act, Technical Assistance Manual II \(see Title II.3.6100\)](#)

2. Definitions

Definitions: (a) a physical or mental impairment that substantially limits one or more major life activities of an individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment. [42 U.S.C. 12102](#).

Qualified Student: A student with a disability who continuously meets essential standards of the relevant University course, program, service, or activity, with or without the benefit of reasonable accommodation.

Accommodation: Implementing academic adjustments and/or modifying or adjusting practices, procedures, or policies so that a qualified student with a disability receives equal access to a course, program, service, or activity.

Course Waiver or Substitution: An accommodation that involves substituting or waiving a particular course. To be a reasonable accommodation, the course being substituted or waived must NOT address an essential requirement of the academic program.

Undue Hardship: An accommodation that would be unduly costly, extensive, substantial, or disruptive to the university as a whole.

Fundamental alteration: An accommodation that alters the essential nature or operation of an academic course or program.

Interactive process: the interactive process between the student and the DRC to determine if the student has a qualifying disability that requires reasonable academic accommodations. If so, the process works to determine the type of reasonable academic accommodations.

3. **Syllabus Statement**

All syllabi should contain a statement regarding student accommodations. See [Syllabus, Office Hours, and Regular and Substantive Policy 404.8](#).

4. **Accommodation Process**

A. Standard for Approval of Accommodations

Accommodations will be implemented so long as

- The student has a documented disability;
- The accommodations are determined to be reasonable and approved by the Disability Resource Center (DRC); and
- The accommodations do not impose an undue hardship on the University or result in a fundamental alteration to the nature or operation of the academic course or program.

The University need not accept the student's requested accommodation if an alternative, reasonable accommodation is determined by the DRC to be equally effective.

B. Request for Accommodation

Students are encouraged to request accommodations as soon as possible through the Disability Resource Center (DRC). In addition to traditional classroom activities, accommodations can be requested for, but are not limited to, course waivers or substitutions, placement exams, on-campus housing, study abroad programs, University events and activities, and clinical or internship placements. See details on the [DRC website](#).

As noted above, course substitutions and waivers will not be approved if the course addresses an essential requirement of the academic program. For example, if the program requires mathematics skills, the core mathematics course will not be waived or substituted.

C. Third-party Documentation

The DRC works with students to determine accommodations that will reduce or remove barriers to their inclusion. The process for determining accommodations is a collaborative one that may require third-party documentation.

D. Interactive Process

The DRC will engage in an interactive process with the student and, if needed, faculty to review the request(s), determine if accommodations are necessary, and identify reasonable accommodations that are effective in affording the student equal opportunity to University courses, programs, services, and activities. The student's continuous participation in the interactive process is essential for it to be effective, and not doing so may delay or end the process.

Reasonable accommodations are not required to produce the identical result or level of achievement for persons with and without disabilities, but must afford persons with disabilities "an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement that is provided to others." (CFR 35.130.b. 1.iii.)

Students are responsible for ongoing assessment of the effectiveness of their approved accommodation(s). Students with questions or concerns about their accommodation should contact the DRC as soon as possible.

E. Approval of Accommodations

The DRC makes the final determination about approved accommodations the University will provide to the student.

Upon approval of accommodations, the student should request a Faculty Notification Letter be sent to their instructors from the DRC site. These notifications describe the approved accommodations, share information about implementation, and list DRC contacts.

Faculty are responsible for implementing approved accommodations in a timely manner. However, since the letters describe the accommodations in broad terms for any course in which the student might enroll, a faculty member may find it helpful to contact the DRC to discuss how to apply the approved accommodations to the specific circumstances of a course. For accommodations that include either extended deadlines or tardiness/absences related to a disability, it is the student's responsibility to discuss extensions or tardiness/absences with the faculty members before the assignments are due or tardiness/absences occur. Extensions and approved tardiness/absences are not automatically or retroactively granted. Approved accommodations may not be unilaterally denied or modified.

Any concerns about implementing approved accommodations should be directed to the DRC, and if not resolved, through the Student Grievances or Fundamental Alteration Review processes (see Nos. 5 & 6 below.)

5. Student Grievances

The DRC provides [grievance procedures for students with disabilities](#).

6. Fundamental Alteration Review

A faculty member may object to an approved accommodation if they feel the accommodation unreasonably and fundamentally alters the nature of a program or course. Whether an accommodation fundamentally alters the nature of a service, course, program, or activity requires a case-by-case analysis. Upon receiving an accommodation letter, a faculty member with concerns that the approved accommodation is a fundamental alteration of an essential course or program requirement is encouraged to consult a DRC staff member to see if the issue can be resolved. If the issue remains unresolved, the faculty member may request a Fundamental Alteration review to determine

- the reasonableness of the request,
- whether the accommodation fundamentally alters the course or program, and
- possible alternatives to accommodate the student.

The steps of the Fundamental Alteration Review are the following:

1. The faculty member should complete the Fundamental Alteration form [to be linked] within 2 business days of receipt of the notification of approved accommodations.
2. The DRC director will review the form and contact the faculty member within 2 business days of receipt to discuss the accommodation. If resolved, the DRC will inform the student of the status of the accommodation request.
3. If unresolved, the DRC Director will immediately notify the Assistant Vice Chancellor for Student Affairs - Wellness and Inclusion, who shall form a Review Team consisting of a Disability Resource Center representative, a full-time faculty member within the objecting faculty member's discipline (or a related

discipline), and a full-time faculty member outside of the discipline. In addition, the Review Team may also include the academic unit head.

4. The Review Team will provide a written response to the DRC Director, the student, and the faculty member (as well as the director/chairperson if applicable) within 2 business days of convening concerning its assessment of whether the accommodation is a fundamental alteration within the context of an academic course or program. This response will delineate the rationale for the decision.
5. Either the student or the faculty member has the option to appeal to the Chancellor [using a linked form] within 2 business days of receiving the Review Team's notification.
6. The Assistant Vice Chancellor for Student Affairs - Wellness and Inclusion or designee will immediately forward any additional documentation, including the Fundamental Alteration Form entry, to the Chancellor. Within 2 business days or as soon as possible thereafter, the Chancellor will send a written decision to the AVC for Student Affairs - Wellness and Inclusion, who will immediately notify the student, the faculty member, and the DRC Director. The decision of the Chancellor is final.

7.

7. Confidentiality

Disability-related information shared with the DRC is kept separate from academic records and is considered a student record under the Family Education Rights and Privacy Act (FERPA). This information is not shared outside of the DRC except with the express written permission of the student or unless otherwise allowed by law.

8. Accountability for Conduct

Students may be held accountable for conduct that violates professional standards of their academic program or the Student Conduct Code for the University even if related to a disability. Once on notice that a student's conduct may be related to a disability, the University will engage in an interactive process to evaluate possible accommodations that will assist the student in adhering to the conduct standards and requirements.

9. Health and Safety Risk to Others

The Student Code of Conduct applies to all students regardless of disability status. Any health or safety risks to others will be assessed in the same manner as with non-disabled students.

10. Non-Retaliation

Requesting accommodation will not adversely affect a student's opportunity to enjoy equal terms, benefits, privileges, or conditions of the University's programs, including social or recreational activities. It is a violation of University policy to take adverse action against a student based on a student's disability status and/or a student's request for accommodation.

11. Other types of accommodations at the University

A. Employment

Requests for accommodation in employment, which includes student employees, teaching assistants, and research assistants, are addressed by the Department of Human Resources.

B. On-campus housing

Students seeking accommodations in on-campus housing should contact the DRC and should indicate requested accommodations on their housing application. [Further details on the DRC page.](#)

C. Pregnancy

In accordance with Title IX of the Education Amendments of 1972 and relevant federal and state laws, the University provides pregnant students with reasonable accommodations and academic adjustments to facilitate equal access, as it would to other students who have temporary medical conditions. Faculty members should direct students seeking an accommodation for a pregnancy, childbirth, or related conditions to the Office of Title IX. Referrals can be made via phone at (501) 916 - 5716 or email titleix@ualr.edu.

12. Grievance Process/Complaint Reporting

The Department of Human Resources is responsible for investigating allegations of discrimination made against a University employee (Grievance Procedures - Complaints of Discrimination 401.6), including failure to accommodate a student under this policy.

Students who wish to file allegations of discrimination may also contact the following:

United States Department of Education [Office for Civil Rights](#) (OCR). The Regional Office for Arkansas is located in Memphis at EEOC's Memphis District Office:

1407 Union Avenue
9th Floor
Memphis, TN 38104
Phone: (800) 669-4000
TTY: (800) 669-6820
Office Hours: Monday – Friday from 8:00 a.m. – 4:30 p.m.

Citation and Modification

This policy must be cited in any curricular documents that excerpt it (such as the Undergraduate and Graduate Catalog). The Faculty Senate Executive Committee (or their designee) should review those documents before they are finalized. Wherever there is a substantive conflict between the document that quotes this policy and this policy, this policy shall be followed.

The Policy can be modified through legislative action of the Faculty Senate (see Article III of the Constitution of the Assembly of the University of Arkansas at Little Rock).

Unless otherwise specified in the legislation, changes to this policy take effect in the Fall semester of the nine month academic year subsequent to the approval of the legislation.

Custodian: DRC and Faculty Senate

Approved by:

Passed Faculty Senate April 28, 2023, (legislation FS_2023_08)

History: replaced existing 404.9 from 2010.

