**Florida Gulf Coast University**  
Policy Manual  

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<th>POLICY: 1.008</th>
<th>Responsible Executive: President</th>
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<td>Approved: 10/22/2013</td>
<td>Responsible Offices: Office of Equity and Diversity and Office of Adaptive Services</td>
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**Title:**  
DISABILITY ACCESS AND REASONABLE ACCOMMODATION POLICY AND PROCEDURE

**POLICY STATEMENT**

Florida Gulf Coast University ("FGCU" or the "University") is committed to equal opportunity and access for persons with disabilities. The University will comply with all provisions of state and federal laws in this regard and will provide, upon request, reasonable accommodations to qualified persons with a disability. This includes complying with the American with Disabilities Act Amendments Act of 2008 ("ADA"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and the Fair Housing Act, all of which protect qualified individuals with a disability from discrimination on the basis of disability and in some circumstances require the granting of reasonable accommodation.

**REASON FOR POLICY**

To comply with legal or regulatory requirements.

**APPLICABILITY AND/OR ACCOUNTABILITY**

This policy applies to faculty, staff, students and visitors of the University community. The Office of Equity and Diversity and the Office of Adaptive Services are accountable for compliance with this policy.

**DEFINITION OF TERMS**

A. **Individual with a Disability:** Any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

B. **Qualified Individual with a Disability:** With respect to employment, a person with a disability who can perform the essential functions of the job with or without reasonable accommodation. With respect to education and housing, a student who meets the essential eligibility requirements for the receipt of services or participation in the program/activity with or without reasonable accommodation.
C. **Reasonable Accommodation:**

1. With respect to employment, a reasonable accommodation is a modification to the work environment or to the manner or circumstances under which the job is customarily performed, that enables a qualified individual with a disability to perform the job’s essential function.

2. With respect to education, a reasonable accommodation is a modification that enables a student with a disability to enjoy the benefits and privileges of University programs, services and activities.

3. With respect to housing, a reasonable accommodation includes a physical modification or exception to a rule, policy, practice, or service that is necessary for a student with a disability to use University housing.

**PROCEDURES**

**GENERAL POLICY**

A. **Applicants with Disabilities:**

1. No applicant for employment will be prohibited from applying for any position with the University for which that person is qualified solely because of any physical or mental disability.

2. Reasonable accommodations that do not pose an undue hardship shall be made for any qualified individual with a disability to ensure equal opportunity and access during the application and selection process.

3. Qualified applicants for employment with the University must make a request for reasonable accommodation through the Office of Adaptive Services. Any information or documentation required for a request for reasonable accommodation in employment will be provided to the applicant with a disability by the Office of Adaptive Services.

B. **Faculty and Staff with Disabilities:**

All University administrators, managers and supervisors shall be responsible for ensuring that employees with disabilities receive necessary reasonable accommodations. Employees with disabilities must make a request for reasonable accommodation to the University ADA Coordinator in the Office of Adaptive Services. Any information or documentation required for a request for reasonable accommodation in employment will be provided to the faculty or staff with a disability by the Office of Adaptive Services.
C. **Students with Disabilities:**

1. All University faculty and staff will be responsible for ensuring that students with disabilities receive equal treatment and access to all University programs, services and activities. University faculty and staff will also ensure that students with disabilities are reasonably accommodated.

2. Students with disabilities who are seeking a reasonable accommodation for University housing shall make the request through the Office of Adaptive Services. Any information or documentation required for a request for reasonable accommodation in employment will be provided to the student with a disability by the Office of Adaptive Services. An annual report regarding student use of auxiliary learning support and reasonable accommodations will be forwarded to the Director of the Office of Equity and Diversity.

D. **Visitors with Disabilities:**

1. Departments or units conducting events, activities or programs should post a notice on their webpage, and in any flyers, bulletins, signage, or other publications that directs persons with disabilities on how to request assistance or accommodation for their disability. Departments or units conducting events, activities or programs are responsible for providing and funding accommodations as needed. For additional information or support contact the Office of Adaptive Services.

2. Visitors needing reasonable accommodations may submit a request to the University department or unit responsible for and/or coordinating a respective event, activity, or program, or to the Office of Adaptive Services. Any information or documentation required for a request for reasonable accommodation in employment will be provided to the visitor with a disability by the Office of Adaptive Services.

E. **Role of the Office of Adaptive Services:**

1. Inform the individual requesting a reasonable accommodation of their rights and obligations and collect the information needed to process the request(s).

2. Notify any faculty or University employee, who has a legitimate and authorized need-to-know, that an accommodation has been requested. Provide assistance in completion of all necessary documentation.
3. Consult with the appropriate department(s), as necessary, to facilitate a final determination and, if necessary, implementation of a request for reasonable accommodation.

F. Medical Tests and Examinations:
Job-related medical examinations, tests and inquiries may be required at the University's expense to determine whether a person can perform the essential functions of a position with or without reasonable accommodations. All information acquired as part of a medical examination will be maintained separately and confidentially by the Office of Adaptive Services. Such information shall only be disclosed as permitted by law.

G. Approval of Request and Implementation of a Reasonable Accommodation:
1. When a request for a reasonable accommodation is approved, the Director of Adaptive Services will immediately inform the individual making the request of the decision in writing. The notice will also advise the applicant, employee, student or visitor of his/her right to make a request for a different accommodation should circumstances change.
2. The approved accommodation will be implemented as soon as practicable under the direction of the Office of Adaptive Services.

H. Denial of a Request for an Accommodation:
If a request for a reasonable accommodation is denied, the University ADA Coordinator will inform the requesting individual in writing (or other appropriate form of communication) of the denial and the reason for the denial. The notice will also advise the individual of his/her right to file a complaint through the Office of Equity and Diversity. Reasons for the denial may include:
1. The individual requesting the accommodation does not meet the definition of an individual with a disability(ies).
2. The requested accommodation is not reasonable and/or there is no other alternative without creating an undue hardship. The reason for the decision will be clearly stated, as well as whether the requested accommodation will create an undue hardship for the University.
3. There is no correlation between the requested accommodation and the individual's disability (e.g., a
wheelchair ramp requested by an individual who has a mental disability, with no physical impairment).

4. There is no reasonable accommodation available that will allow the person to perform the essential functions of the job.

5. The requested accommodation will change the fundamental nature of the program/job.

6. The requested accommodation would violate a state or federal statute or regulation.

I. Record Keeping:

1. Any employee/student record containing medical information received under this policy must be maintained by the Office of Adaptive Services as "medical-confidential" and kept separate from other files related to the employee/student. This information will remain confidential and only made accessible as allowed by law.

2. Information obtained pursuant to this policy shall not be used to unlawfully discriminate in any employment, education or business practice.

3. Final records of all requests for reasonable accommodation are submitted to the Office of Adaptive Services where they will be retained for the minimum period required by state law.

J. Complaints:

1. The Office of Equity and Diversity will ensure that the University complies with all laws and regulations protecting the rights of persons with disabilities.

2. Any applicant, employee, student or visitor may file a complaint regarding an alleged violation of this policy by following the procedures set forth in the Non-Discrimination and Anti-Harassment Complaint Policy and Procedures. All complaints will be acknowledged and answered by the Office of Equity and Diversity, according to University guidelines established in the aforementioned procedures.

3. All documentation regarding complaints filed under this Policy will be maintained in the Office of Equity and Diversity for the period required by state law.
RELATED INFORMATION
Non-Discrimination and Anti-Harassment Regulation;
Non-Discrimination and Anti-Harassment Complaint Policy & Procedure;
Accessibility Resource Manual; Student Housing Assistance; Animal Policy

HISTORY

APPROVED

President  October 22, 2013
Date