

Policy on Disability and Accessibility

The University of Portland (“University”) is committed to providing access to all individuals consistent with the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and all other applicable federal, state, and local laws. Federal laws and regulations prohibit unlawful discrimination on the basis of disability under any program or activity receiving federal financial assistance. Consistent with all applicable laws, the University provides students, employees, and others with reasonable accommodations.¹

The University’s compliance with applicable disability laws is implemented in the following University policies:

- This Policy on Disability and Accessibility;
- The Equal Opportunity and Nondiscrimination Policy;
- The Harassment and Discrimination Policy (sets out the University policy, resources, and processes related to unlawful discrimination and harassment on campus);
- Service Animal and Support Animal Policy (sets out the University’s policy, resources, and processes related to service animals and support animals on campus).

I. The University’s ADA/Section 504 Coordinator

The Vice President for Financial Affairs is responsible for coordinating the University’s compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, and serves as the University ADA/Section 504 Coordinator (“University Coordinator”). The University Coordinator, or a designee as appropriate, conducts activities such as (but not limited to):

- Assisting University offices in making their programs and services accessible;
- Overseeing communication to all University constituents and campus visitors regarding how they can access programs and services consistent with the ADA/Section 504;
- Reviewing University policies, facilities, and activities to assure institutional compliance with the ADA/Section 504;
- Responding to any complaint regarding the ADA/Section 504 made by a student, staff member, campus visitor, or other individual in order to assure prompt and equitable resolution.

¹ Title III of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act use the term "reasonable modification" as opposed to "reasonable accommodation." The term "reasonable accommodation" is more common, however, and often used interchangeably with "reasonable modification."

The University Coordinator's contact information is as follows:

Alan P. Timmins
Vice President for Financial Affairs
Waldschmidt Hall 411
Portland, Oregon 97203
503-943-7507
timmins@up.edu

The University Coordinator has designated the Office of Accessible Education Services (AES) as the University office responsible for facilitating reasonable accommodations, academic adjustments and auxiliary aids to provide students with disabilities with equal access to University services, activities and programs. Contact information for AES is as follows:

Melanie Gangle
Program Manager, Shepard Academic Resource Center
Accessible Education Services (AES)
Buckley Center 163
Portland, Oregon 97203
503-943-8236
gangle@up.edu

The University Coordinator has designated the Office of Human Resources as the University office responsible for processes related to disability-related reasonable accommodations for employees (including student employees) and other non-student community members or visitors of the University. Contact information for Human Resources is as follows:

Sandy Chung
Associate Vice President for Human Resources
Waldschmidt Hall Fifth Floor
Portland, Oregon 97203
503-943-8484
hr@up.edu

II. Definitions

Both federal and Oregon laws define a person with a disability as an individual who has a physical or mental impairment that substantially limits one or more major life activities. Those laws also protect individuals from discrimination on the basis of having a record of such an impairment, or who are regarded ("perceived") as having such an impairment.

What are major life activities? Federal and state statutes contain a long, non-exhaustive list of major life activities including self-care, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, thinking, communicating, working, interacting with others, and the operation of major bodily functions including but not limited to the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory,

circulatory, endocrine and reproductive functions. The impairment or perceived impairment is one that restricts one or more major life activities of the individual as compared to most people in the general population. For example, most people can walk three blocks with little difficulty. An inability to do so as a result of a physical or mental health impairment could be considered a disability. In contrast, the average person cannot walk ten miles without growing fatigued. The inability to perform this activity would not constitute a disability.

Are temporary conditions considered disabilities? Maybe. Under current law, the effects of an impairment lasting or expected to last fewer than six months could be substantially limiting, and therefore considered a disability.

A reasonable accommodation is a modification or adjustment that enables a person with a disability to enjoy equal access to the programs and services of the University and the same benefits and privileges of employment as other employees. A disability-related need for a requested accommodation exists when there is an identifiable relationship, or nexus, between the requested accommodation and the functional impact(s) of the individual's disability.

Depending on the specific circumstances and the documentation received, accommodations may include but are not limited to:

- Academic accommodations;
- Housing and dining accommodations;
- Modifications to University policies, rules and regulations as applied to the individual;
- Environmental adjustments such as the removal of architectural, communication, or transportation barriers;
- Auxiliary aids and services;
- Modified work schedules or job-related reasonable accommodations that allow an individual with a disability to perform the essential functions of a position.

A requested accommodation is unreasonable if it would create a fundamental alteration to University programs and services or cause the University an undue hardship. An undue hardship is an action that is significantly difficult or expensive in relation to the size of the University, the resources available to the University, and the nature of the University's purposes and operations. The University is not required to provide an accommodation that is unreasonable.

III. Requesting an Accommodation

1. Students Requesting an Accommodation (Through the Office of Accessible Education Services)

Students should submit all disability-related accommodation requests to the Office of Accessible Education Services (AES).

AES conducts an interactive, individualized assessment with each student to determine whether and what reasonable accommodation(s) can be made to provide students with

disabilities equal access to University programs, services and activities. The student is required to submit documentation from a health or mental health care practitioner that confirms existence of a disability and provides information about the functional impact(s) of the disability to help determine what would constitute reasonable accommodation(s). As well, in some cases, an outside consultant may be engaged to review the student's documentation or to assist with the interactive process.

AES communicates with the student about its decisions throughout the process. If necessary under the circumstances, AES may authorize temporary accommodations while a final reasonable accommodation assessment and determination is being made.

Please see the AES process for more information.

2. *Employees Requesting an Accommodation (Through Human Resources)*

Employees should submit all disability-related accommodation requests to the Office of Human Resources.

The University provides reasonable accommodations to employees with disabilities who require reasonable accommodation(s) to perform the essential functions of their positions. In order to provide reasonable accommodation(s), a representative of the University's Human Resources Office will engage in an interactive process with the employee requesting a reasonable accommodation. Because not all disabilities are obvious, employees who would like to request a reasonable accommodation must contact the Office of Human Resources and make the request; requests do not have to be made to supervisors. If necessary, the employee may be required to submit documentation from a health care practitioner that confirms existence of a disability and information needed to help determine what would constitute reasonable accommodation(s).

If necessary under the circumstances, Human Resources may authorize temporary accommodations while a final reasonable accommodation assessment and determination is being made.

See Requests for Disability Accommodation on the Human Resources website for more information.

3. *Accessibility of Campus Programs, Services, and Events to Other Community Members, Visitors, and the Public*

The University will use its best effort to make appropriate campus programs and events reasonably accessible to individuals with disabilities. Any individual, including visitors to campus, who require a reasonable accommodation should contact the event planner at least one week in advance of the event. The University cannot always ensure provision of a reasonable accommodation with less than one week's notice. If it is not clear whom to contact regarding access to a campus program or event, please contact AES or the Office of Human Resources (contact information is in section I above).

4. Accessibility of Campus Websites and Information Communication Technology

The University is committed to taking reasonable measures to support the accessibility of its digital resources, such as digital hardware, software, and systems for use by students, employees, other members of the University community, the public, and visitors.

The Office of Information Services works in conjunction with Accessible Education Services to provide technology solutions for students and guests with disabilities, and with Human Resources to provide technology solutions for employees with disabilities. University offices conducting core academic and business activities are strongly encouraged to align web content with the guidelines set by Office of Information Services.

IV. Review of Determinations Regarding Reasonable Accommodations

1. Students: Request for Reconsideration

- **Step One**

In order to request reconsideration of a decision regarding a request for a reasonable accommodation by AES, the student must first request a meeting with the AES Program Manager to present information and/or documentation and to discuss the nature of the issue, concern, or complaint.

This meeting should be requested within thirty days of the determination at issue. If AES deems it necessary, AES may engage an external consultant to review the matter and provide recommendations to AES. AES may request additional information from the student or contact faculty, administrators, professionals, or others who can provide information pertinent to the matter. If confidential information is to be released to or received by a third party not affiliated with the University, the student will be asked to sign a Release of Information form.

Following the review of the request for reconsideration, AES will try its best to notify the student of its reconsideration decision within thirty days; if this is not possible, AES will notify the student about approximately when its reconsideration decision will be made available.

- **Step Two**

If a student wishes to appeal AES's reconsideration decision, the student may request a review by the Vice President for Financial Affairs and ADA/504 Compliance Officer and ADA Coordinator (hereafter referred to as the Vice President for Financial Affairs) within thirty days of receiving AES's decision on reconsideration. (Contact information for the Vice President for Financial Affairs is in Section I above.)

The Vice President for Financial Affairs or designee will make an inquiry into the request for review, may ask the student for more information, may contact faculty, administrators, professionals, or others who can provide information pertinent to the matter, and also may engage the services of an external consultant. The time required for the Vice President for

Financial Affairs or designee to review a reconsideration decision regarding a reasonable accommodation will depend on a variety of factors, including the nature and scope of the matter.

Every effort will be made to resolve the matter within forty-five days or as expeditiously as possible. Throughout the process, the Vice President for Financial Affairs or designee will appropriately keep the participants informed of the status of the process. The student will be contacted in writing with a final decision on the review. There is no further appeal of the Vice President for Financial Affairs or designee's final determination.

2. *Employees, Other Community Members, Visitors, and Members of the Public: Request for Reconsideration*

- **Step One**

In order to request reconsideration of a decision regarding a request for a reasonable accommodation by the Office of Human Resources, the employee or other individual must first request a meeting with the Office of Human Resources to present information and/or documentation and to discuss the nature of the issue, concern, or complaint.

If Human Resources deems it necessary, Human Resources may engage an external consultant to assist with the review. Human Resources may request additional information from the individual or contact faculty, administrators, professionals, or others who can provide information pertinent to the matter. If confidential information is to be released to or received by a third party not affiliated with the University, the individual will be asked to sign a Release of Information form.

Following the review of the request for reconsideration, Human Resources will try its best to notify the individual of its reconsideration decision within thirty days; if this is not possible, Human Resources will notify the individual about approximately when its reconsideration decision will be made available.

- **Step Two**

If an individual wishes to appeal Human Resources' reconsideration decision, the individual may request review by the Vice President for Financial Affairs within thirty days of receiving Human Resources' decision on reconsideration. (Contact information for the Vice President for Financial Affairs is in Section I above.)

The Vice President for Financial Affairs or designee will make an inquiry into the request for review, may ask the individual for more information, may contact faculty, administrators, professionals, or others who can provide information pertinent to the matter, and also may engage the services of an external consultant. The time required for the Vice President for Financial Affairs or designee to review a reconsideration decision regarding a reasonable accommodation will depend on a variety of factors, including the nature and scope of the matter.

Every effort will be made to resolve the matter within forty-five days or as expeditiously as possible. Throughout the process, the Vice President for Financial Affairs or designee will, as appropriate, keep the participants informed of the status of the process. The student will be contacted in writing with a final decision on the review. There is no further appeal of the Vice President for Financial Affairs or designee's final determination.

3. *Concerns or complaints about unlawful discriminatory conduct by AES or Human Resources*

If a student, employee, or other individual has a concern about unlawful discriminatory conduct by the AES or Human Resources Offices or staff, the student, employee, or other individual may contact the Vice President for Financial Affairs directly with a request for review without initial review by AES or Human Resources.

V. Complaint reporting, investigation and resolution

Students, employees, and other individuals who believe that they have been subjected to, witnessed, or otherwise have knowledge about unlawful discrimination prohibited by the ADA/Section 504 may make a complaint to the Vice President for Financial Affairs.

Individuals who have no formal affiliation with the University may also make a complaint as described below.

Individuals who are considering bringing a complaint may at any time meet with the Vice President for Financial Affairs or a designee to ask about the complaint process and/or to share concerns or information about the alleged unlawful discrimination.

A complaint investigation will be initiated when an individual submits a verbal or written statement alleging unlawful discrimination prohibited by the ADA/Section 504 to the Vice President for Financial Affairs or designee. Prompt submission of complaints is encouraged.

The Vice President for Financial Affairs or designee will consider the complainant's written or verbal statement of concern and may dismiss the complaint without further process or review if the Vice President for Financial Affairs determines that the complaint on its face is frivolous, not credible, clearly without merit, or outside the scope of this policy.

If the complaint is not dismissed, the Vice President for Financial Affairs or a designee shall review the matter. As necessary, the Vice President for Financial Affairs or designee may conduct interviews, materials, and take any other appropriate action to gather and consider information relevant to the complaint.

The Vice President for Financial Affairs or designee will determine whether the complainant was subjected to discrimination under the ADA/Section 504. The Vice President for Financial Affairs or designee will consult with other University offices and external parties as necessary in reaching a decision regarding the complaint. The Vice President for Financial Affairs or designee

will prepare a written report setting forth findings, conclusions, and appropriate actions to be taken, if any, and will determine appropriate offices with whom to share the report. The time required to investigate an ADA/Section 504 complaint will depend on a variety of factors, including the nature and scope of the matter.

Every effort will be made to resolve the matter within forty-five days or as expeditiously as possible. Throughout the process, the University will, as appropriate, keep the participants informed of the status of the process. Individuals found in violation of University policy may appeal the determination according to the Harassment and Discrimination Policy.

VI. Confidentiality

Individuals choose to self identify as having a disability. If a student, employee, or other individual shares information about a disability with AES or Human Resources, these offices may share disability-related information on a strictly need-to-know basis with necessary faculty, staff, and other University community members in order to provide equal access and reasonable accommodations. AES and Human Resources respects the sensitive nature of disability-related disclosures. These offices will strive to provide appropriate reasonable accommodations while maintaining the highest level of confidentiality possible.

** This policy is effective March 16, 2018.*

*** This policy was approved by Alan P. Timmins, Vice President for Financial Affairs and ADA/Section 504 Coordinator for the University, on March 16, 2018.*