

**UNIVERSITY OF HOUSTON SYSTEM  
ADMINISTRATIVE MEMORANDUM**

**SECTION: General Administration**

**NUMBER: 01.D.09**

**AREA: Legal Affairs**

**SUBJECT: Student Academic Adjustments/Auxiliary Aids Policy (Interim)**

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**1. PURPOSE**

- 1.1. The University of Houston System (“System”) adheres to the mandates of the [Rehabilitation Act of 1973](#), the [Americans with Disabilities Act of 1990](#), and the [ADA Amendments Act of 2008](#), as applicable. The System has developed this Student Academic Adjustments/Auxiliary Aids Policy (“Policy”) to assist with the submission and processing of student academic adjustments/auxiliary aids requests. This Policy applies to students within each of the five units (the System and the four universities) who have a disability as defined by this Policy as well as federal and state law.
- 1.2. The System does not discriminate on the basis of disability against students in any program, service or activity offered by the System. The System is committed to ensuring that no student with a disability is excluded, denied services, segregated or otherwise treated differently than other students because of the absence of a reasonable academic adjustment/auxiliary aid.
- 1.3. It is the policy of the System that all students who have a disability are afforded equal academic opportunities in compliance with federal and state laws. The System, in keeping with its values and goals, provides reasonable academic adjustments/auxiliary aids to students with disabilities that are currently manifested.

**2. DEFINITIONS**

- 2.1. Student With a Disability – A student with a physical, cognitive, psychological, learning and/or sensory impairment who, as a result of such impairment, is substantially limited in performing one or more major life activities. This includes students who have a “record of” such impairment.
- 2.2. Major Life Activity – An activity that is considered important for living and that the average individual can perform with little or no difficulty. Major life activities include, but are not limited to walking, talking, eating, sleeping, seeing, hearing, breathing, learning, working, standing, lifting, bending, reading, concentrating, thinking, communicating, caring for oneself or the operation of a major bodily function (including, but not limited to, functions of the immune

system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions).

- 2.3. Reasonable Academic Adjustments/Auxiliary Aids – A reasonable academic adjustment/auxiliary aid in the academic environment, including facilities, services, instruction delivery, testing and/or equipment, that would allow the student to have equal access to her/his academic program(s) and equal opportunity to pursue her/his academic goals, so long as it does not create an undue burden or hardship to the System or University.
- 2.4. Undue Burden/Hardship – Any academic adjustment/auxiliary aid that would:
  - a) fundamentally affect or change the nature of a program or course being taught;
  - b) be significantly disruptive;
  - c) be very costly to the component institution; or
  - d) fundamentally alter the essential requirements of instruction or course requirements. In addition, it is an undue burden/hardship to permit any substitution or waiver for any course that comprises the Undergraduate Core Curriculum.
- 2.5. Substantial Limitation – An impairment or restriction whereby a student cannot perform one or more Major Life Activities, or is hindered as to the condition, manner or duration under which a student can perform one or more Major Life Activities as compared to the average student in the general performance of the affected activity.
- 2.6. ADA/504 Coordinator – The person who is designated to coordinate efforts to comply with and implement this Policy pursuant to the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. The ADA/504 Coordinator is available to discuss options, provide support, explain University policies and procedures and provide education on relevant issues. The ADA/504 Coordinator may designate one or more Assistant ADA/504 Coordinators. The ADA/504 Coordinators for each component institution campus are:
  - University of Houston System/University of Houston  
Assistant VC/VP for Equal Opportunity Services or  
Richard Anthony Baker, M. P. A., PhD, J.D., Equal Opportunity Services  
(713) 743-8835; [rabaker4@uh.edu](mailto:rabaker4@uh.edu).
  - University of Houston – Downtown  
Assistant VP for Employment, Training, Campus Relations and  
Affirmative Action Officer or  
Douglas J. teDuits, Ed D, SPHR, Employment Services and Operations  
(713) 221-8667; [teduitsd@uhd.edu](mailto:teduitsd@uhd.edu).

- University of Houston – Clear Lake  
Executive Director, Human Resources and Affirmative Action or  
Katherine Justice, Human Resources and Affirmative Action  
(281) 283-2164; [Justice@uhcl.edu](mailto:Justice@uhcl.edu).
- University of Houston – Victoria  
Director, Human Resources/Affirmative Action or  
Laura Smith, Human Resources/Affirmative Action  
(361) 570-4800; [SmithL@uhv.edu](mailto:SmithL@uhv.edu).

### 3. CONFIDENTIALITY

Records or information obtained as part of the accommodation request process that reflect diagnoses, evaluation or treatment of a student’s medical or mental health condition are confidential and shall be maintained by the University’s student disability services center. Such records or information shall be shared with only those System or University officials who the University’s student disability services center and/or the System’s General Counsel or her/his designee determines have a “need to know” such information and/or the content of such records in order to evaluate and/or implement the academic adjustments/auxiliary aids request, and such records shall not otherwise be released to anyone except as required by law.

### 4. INSTRUCTOR/OFFICIAL RIGHTS AND RESPONSIBILITIES

- 4.1. Each instructor and official has an obligation to be aware of the System’s policies and procedures regarding equal educational opportunities for students. An instructor or official may contact the University’s student disability services center, the Academic Accommodations Evaluation Committee (“AAEC”) or the ADA/504 Coordinator with questions or concerns. It is the responsibility of each Department Chair to ensure that all instructors, teaching assistants and staff know and understand their obligations with regard to this policy. Failure to follow the procedures of this Policy may be considered a violation of this Policy and may result in disciplinary action.
- 4.2. The System also requires that each instructor announce to her/his classes at the beginning of each semester the instructor’s willingness to reasonably assist Students with Disabilities. The instructor will provide the class with the contact information of the University’s student disability services center. Furthermore, the System requires that all course syllabi contain the following statement:

***The University of Houston System complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, pertaining to the provision of reasonable academic adjustments/auxiliary aids for students with a disability. In accordance with Section 504 and ADA guidelines, each University within the System strives to provide reasonable academic adjustments/auxiliary aids to students who request and require them.***

*If you believe that you have a disability requiring an academic adjustments/auxiliary aid, please contact your University's student disability services center.*

## 5. ACADEMIC ADJUSTMENTS/AUXILIARY AIDS REQUESTS

### 5.1. **Step One: Student Meeting With Disability Services Center**

5.1.1. A Student with a Disability who wants to request an academic adjustment/auxiliary aid must first contact the University's student disability services center to schedule a meeting with the center. Only students who schedule and meet with a representative of the center will be considered for academic adjustments/auxiliary aids. The meeting may be in person, telephonic or electronic. The University's student disability services center will establish a student file.

5.1.2. Two business days before the meeting, the student may be required to provide current documentation of a disability from an appropriately licensed professional that clearly identifies the nature of the disability and how the disability affects a Major Life Activity. The student is responsible for any costs necessary to provide the appropriate documentation from the professional. Please refer to the following web site for additional information about documentation: <http://www.uh.edu/csd/documentation.htm>. With written student authorization, the University's student disability services center may obtain, at the University's expense, an independent medical opinion concerning the disability for which the student seeks an academic adjustment/auxiliary aid, including additional suggestions or recommendations regarding Reasonable Academic Adjustments/Auxiliary Aids. A student's failure to grant such authorization may result in a denial of the student's request.

### 5.2. **Step Two: Completing the Academic Adjustments/Auxiliary Aids Request Form**

A student who seeks an academic adjustment/auxiliary aid must complete an Academic Adjustments/Auxiliary Aids Request Form ("Request Form") with the University's student disability services center. The Request Form will denote the academic adjustment(s)/auxiliary aid(s) upon which the student and the University's student disability services center agree. The student and appropriate center representative(s) will sign the Request Form.

### 5.3. **Step Three: Academic Accommodations Evaluation Committee**

5.3.1. The AAEC is charged with evaluating student academic adjustments/auxiliary aids requests that have the support of the

University's student disability services center. The AAEC will evaluate initial and revised requests for academic adjustments/auxiliary aids; not requests that simply continue already approved academic adjustments/auxiliary aids.

- 5.3.2. The University's Senior Vice President for Academic Affairs and Provost (or comparable administrator) will appoint the AAEC (including the chairperson), which will be comprised of no less than three faculty and/or staff members who have professional expertise in relevant areas (e.g., learning disorders, sensory disorders, on-line education, special education, etc.). The head of the University's student disability services center will be appointed as an ex-officio (non-voting) member. The AAEC will meet prior to the start of each semester and on a regular schedule thereafter to review student academic adjustments/auxiliary aids requests in a timely manner.
- 5.3.3. Based on a careful and rational review of the student's file, the AAEC will consider recommendations regarding the student's academic adjustments/auxiliary aids request. The AAEC may: 1) implement the requested accommodation without modification; 2) deny the student's requested accommodation; or 3) implement an alternative accommodation. The AAEC recommendation will be based on a majority vote and the recommendation will be made within five business days from reviewing the student's file. The AAEC will note its recommendation on the Request Form and return the Request Form to the University's student disability services center.

5.4. **Step Four: Student Notification**

The University's student disability services center will notify the student of the AAEC's recommendation and justification of such within three business days of receiving the recommendation. Students are responsible for retrieving the Request Form from the student disabilities services center and for securing the instructors' and/or officials' signatures on the Request Form. Students may seek assistance from the University's student disability services center in presenting the Request Form to instructors or officials, if needed.

5.5. **Step Five: Instructor/Official Decision**

- 5.5.1. The instructor or appropriate official is strongly encouraged to provide a recommended academic adjustment/auxiliary aid whenever possible. The instructor or appropriate official has the option to: 1) adopt the AAEC's recommendation without modification; 2) deny the AAEC's recommendation; or 3) suggest modifications to the AAEC's recommendation. Instructors and officials are strongly encouraged to seek advice from the student disability services center, the AAEC and/or the

ADA/504 Coordinator if the instructor or official has any questions or concerns about a recommended academic adjustment or auxiliary aid. If a modification is contemplated, the instructor or official is strongly encouraged to contact the student disability services center to discuss the proposed modification. The instructor or appropriate official will note her/his decision of such on the Request Form and return the Request Form with her/his signature to the student within five business days from being presented with the Request Form. The request will be deemed denied if an instructor or official does not note her/his decision within five business days.

- 5.5.2. The instructor/official will keep one copy of the Request Form and return the other two copies to the student. The student then keeps one copy of the Request Form and provides the other copy to the University's student disability services center within five business days from receiving the Request Form from the instructor/official.
- 5.5.3. An instructor or official who denies a recommended academic adjustment/auxiliary aid must notify her/his supervisor of such within five business days. The supervisor will attempt to facilitate a reasonable accommodation with the assistance of the student, instructor or official, student disability center representative, AAEC Chairperson and/or the University's ADA/504 Coordinator. If an accommodation is not reached, the supervisor will notify the ADA/504 Coordinator of such, who will attempt to find a reasonable accommodation.
- 5.5.4. An instructor or official who implements an academic adjustment/auxiliary aid and the student may be asked to provide information to the University's student disability services center and to the AAEC regarding both the manageability and effectiveness of the accommodation(s) at the end of the semester. This may be accomplished by periodic surveys. Students, instructors and officials are also encouraged to provide suggestions for possible improvements.

5.6. **Step Six: Appeals**

- 5.6.1. A student who believes that his/her request for an academic adjustments/auxiliary aid has been unreasonably denied by the University's disability service center, the AAEC, an instructor or an official may file an appeal with the University's ADA/504 Coordinator within 10 business days of the denial. The appeal will be heard by a three-person panel of the University's appellate board ("Board"), and this will be the sole University process to contest an academic adjustment/auxiliary aid denial. The questioned AAEC approved academic adjustment/auxiliary aid will be provided temporarily while a final decision is pending.

- 5.6.2. The hearing panel (“Panel”) will conduct the hearing within 15 business days of the appeal. The Board’s chairperson is responsible for selecting the Panel members from available Board members. The Panel will be composed of three Board members. The Board’s chairperson will select the Panel’s chairperson. The student and the appellee shall be notified of the Panel’s composition. Within five business days of such notification, the student and the appellee shall have an opportunity to challenge in writing any Panel member for cause. The Board’s chairperson, in consultation with the ADA/504 Coordinator, will consider any challenge and replace the Panel member if appropriate.
- 5.6.3. The Panel is charged with determining whether the requested academic adjustment/auxiliary aid is reasonable and therefore should be provided.
- 5.6.4. The general course of the hearing procedure will be as follows, subject to the discretion of the Panel chairperson:
- a) The Panel chairperson will convene the hearing, introduce the individuals, give a brief description of the process and invite questions about the process;
  - b) The student shall present his or her evidence (including calling and questioning his or her own witnesses) to the Panel;
  - c) The appellee shall present his or her evidence (including calling and questioning his or her own witnesses) to the Panel; and
  - d) The panel may ask the ADA/504 Coordinator to render an advisory opinion.
- 5.6.5. The Panel chairperson and/or Panel may question any individual at any time during the hearing.
- 5.6.6. The Panel chairperson may impose reasonable time limits on any stage of the hearing. The Panel chairperson may also determine the relevance of, and place restrictions on, any witness or information presented.
- 5.6.7. The student and the appellee may question their own witness, but not the opposing party’s witnesses. However, both parties may request that the Panel chairperson ask questions of the other witnesses by submitting proposed questions to the Panel chairperson in writing either prior to, or during, the hearing. The Panel chairperson may determine which questions are relevant and the Panel chairperson has the discretion to revise a question or to decline asking the question.

- 5.6.8. An audio recording of the hearing will be kept for the use of the Panel and for any appeal.
- 5.6.9. In cases where the student or the appellee refuses to participate in the hearing, the Panel will convene and make a decision based on the evidence and testimony available to the Panel. Any party who declines to participate in a hearing waives any additional right to appeal.
- 5.6.10. Because the hearing process is an internal University process and not a formal courtroom process in which rules of evidence and courtroom procedures apply, this procedure is intended to reduce the adversarial nature of the hearing and will be conducted accordingly. As such, the student and the appellee may bring an advisor. If the advisor is an attorney, notice of an attorney's appearance must be provided to the ADA/504 Coordinator within three business days of the hearing. Advisors may attend the hearing and sit with their respective advisee during the hearing, communicate quietly orally and/or in writing with their respective advisee during the hearing, and may respond to a direct question from the Panel. However, an advisor will not be permitted to speak on behalf of the advisee, make an oral presentation, including an opening statement or closing argument, or to question witnesses, the ADA/504 Coordinator or the Panel during the hearing.
- 5.6.11. Alternative testimony options will be available such as allowing a witness to appear via other virtual means (e.g., via telephone) if determined by the Panel to be necessary.
- 5.6.12. After the hearing has concluded, the Panel will deliberate in private. The Panel will determine whether to provide the requested academic adjustment/auxiliary aid based on the preponderance of the evidence. The Panel's decision will be by majority vote. The Panel will communicate its decision and justification in writing to the ADA/504 Coordinator within three business days of the hearing. The ADA/504 Coordinator will then provide a copy of the decision to the student and the appellee.
- 5.6.13. If the Panel does not provide the requested academic adjustment/auxiliary aid to the student, the student may appeal the Panel's decision to the appropriate administrator. Conversely, if the Panel does provide the requested academic adjustment/auxiliary aid, the appellee may appeal the Panel's decision to the appropriate administrator. Any appeal must be filed with the ADA/504 Coordinator in writing within 10 business days of the Panel's decision. The administrator will render a decision within 10 business days from the date that the appeal is filed.



6. REVIEW AND RESPONSIBILITY

Responsible Party: Vice Chancellor for Legal Affairs and General Counsel

Review: Every three years on or before August 31

7. APPROVAL

Approved: Dona Cornell  
Vice Chancellor for Legal Affairs and General Counsel

Renu Khator  
Chancellor

Date: August 13, 2013

**REVISION LOG**

Revision Number	Approval Date	Description of Changes
Interim	11/29/2012	Initial version (submitted as Interim)
1	05/22/2013	This SAM is being submitted for review and approval to remove the Interim designation. Section 5.1.2 was revised to “the student may be required to provide documentation” per the new ADAAA Law. Added links to Section 5.1.2 and Section 5.2. In Section 5.3.3 and Section 5.4, changed “decisions” to “recommendations.” Rewrote Section 5.6 on Student Appeals, adding eleven (11) subsections of documentation
Interim	08/13/2013	Added Section 2.6 on ADA/504 Coordinator, and added this position to text as applicable. In Section 4.2, changed “Suggests” to “Requires.” Changed Section 5.1.2 to two business days before the meeting, and added a web site on student meetings. Changed title of Academic Adjustments/Auxiliary Aids Request Form throughout text and in Section 5.2. Changed Section 5.3.3 to five business days for reviewing the student’s file. Added information to Section 5.5.1 on the instructor/official decision. Added information on notification of denial of request within five business days to Section 5.5.3. Changed Section 5.6 from “Student Appeals” to “Appeals.” Revised process for appeals in Section 5.6.1. Changed Section 5.6.10 concerning notification of an attorney’s appearance during a student appeal