

University of Baltimore

I.5.1 Section 504/ADA Policy and Procedures for Students with Disabilities Requiring Reasonable Accommodations

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I. Policy Statement

The University of Baltimore (UBalt) is committed to ensuring that no otherwise qualified individual with a disability is excluded from participation in, denied the benefits of, or subjected to discrimination in University programs or activities due to their disability. The University is fully committed to complying with all requirements of the Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008 (collectively the “ADA”) and Section 504 of Rehabilitation Act of 1973 (“Section 504”). UBalt is committed to providing equal access to all programs or activities to otherwise qualified persons with disabilities.

II. Definitions

- a. **Reasonable Accommodation(s)** is an adjustment or modification to the educational experience that allows a qualified individual with a disability to participate in the educational experience or receive the service and does not impose an undue burden on the University or fundamentally alter the educational program.
- b. **Letter of Accommodation** is the University-issued communication (via email) from the University’s Office of Disability and Access Services (DAS) which identifies reasonable accommodations the student is eligible to utilize. It also includes information regarding each accommodation listed and contact information for DAS. Letters of Accommodation are provided to faculty when faculty will need to implement the specific accommodation and upon agreement by the student to provide the Letter of Accommodation to their faculty.
- c. **Disability(ies)** for purposes of seeking Reasonable Accommodation is a physical or mental impairment that substantially impacts one or more major life activities such as learning or a record of such impairment.
- d. **Documentation** is current medical, psychological and/or educational or other relevant paperwork, provided by a credentialed third party that establishes the student as having a Disability. The Documentation should meet the [guidelines](#) established by DAS.
- e. **Interactive Process** includes the initial intake meeting between the student requesting accommodations and a DAS staff member and ongoing communications where accommodations are discussed for the purpose of identifying, implementing, or adjusting accommodations.
- f. **Qualified Student** is a student who has gained admission to the University of Baltimore who presents Documentation that meets the requirements established by DAS

- g. **Complaint** means a student's complaint submitted during the grievance process set forth below and regarding a failure to approve an accommodation request, a failure to properly implement an approved accommodation or the inaccessibility of any University program, activity, or facility.
- h. **Retaliation** means any adverse action taken against an individual for participating in rights available to the individual under this policy or otherwise related to rights set forth in this policy, including seeking Reasonable Accommodation, engaging in the grievance processes set forth below, or pursuing or participating in any outside agency/court complaints. Acts of Retaliation include, but are not limited to, harassment, intimidation, threats, or coercion. Retaliation is prohibited by this policy and any individual alleged to have engaged in Retaliation will be subject to investigation and potential discipline.

III. Process for Obtaining & Implementing Reasonable Accommodations

In connection with the University's commitment to providing equal access to educational opportunities for persons with Disabilities, the University recognizes that students with Disabilities may need Reasonable Accommodations to have equally effective opportunities to participate in or benefit from University educational programs, services, and activities. The University shall adhere to all applicable federal and state laws, regulations, and guidelines with respect to providing Reasonable Accommodations as necessary to afford equal access to programs for qualified persons with Disabilities.

A. Outreach to DAS

Students requesting Reasonable Accommodations for a Disability must contact the DAS, via email at das@ubalt.edu or via phone at 410-837-4755. While a student can contact and register with DAS at any time they are registered for classes, it is highly recommended that students requesting a Reasonable Accommodation do so as early as possible. All accommodation requests will be considered when received by DAS, however, a failure to timely contact DAS may result in an inability to implement requested Reasonable Accommodations. The University cannot provide Reasonable Accommodations retroactively.

B. Documentation

To obtain Reasonable Accommodations, the student must present Documentation provided by an appropriate diagnostician. The Documentation must be on letterhead and include the diagnosis, how the diagnostician determined the diagnosis, how the Disability impacts the student, and recommendations for accommodations. While recommendations of the diagnostician will be considered, they are not guaranteed. This Documentation must be provided regardless of whether the condition is permanent or temporary (i.e. broken leg, etc.).

Documentation relating to all students, including undergraduate, graduate, and law students, registered with DAS, will be retained by DAS. Documentation will remain in that office for the duration of the student's academic career until graduation or

for up to seven years after the last contact by the student with the office. All Documentation will remain confidential, subject to any legal or policy requirements to disclose the documents.

In addition to providing Documentation, Students will be required to complete the [Intake to Determine Reasonable Accommodations Form](#).

C. Interactive Process

After providing the Documentation and Intake to Determine Reasonable Accommodations form, the student will need to schedule an intake appointment with DAS. During this appointment, the following is discussed:

- Impact of the disability
- History of using accommodations
- Review and discussion of requested accommodations
- Review of how the approved Reasonable Accommodations are implemented

Typically, Reasonable Accommodations are determined during this meeting. If a specific accommodation request is denied, the student will be informed why the request was denied and will be offered alternative accommodation available. [Accommodations](#) for Law students are done in collaboration with the Office of Student Affairs in the School of Law.

Following the intake meeting, a follow-up email is sent to the student (Review of Intake and Approval of Accommodations) which includes the approved Reasonable Accommodations.

Reasonable Accommodations are intended to provide access to campus facilities, classrooms, coursework and University activities and services. They will not be approved where they will cause a fundamental alteration of a course and/or academic program or impose an undue burden..

D. Reasonable Accommodation Implementation

If the student wishes that their instructors be made aware of their approved Reasonable Accommodations, they need to complete the Request to Notify Instructors of Accommodations form. Once completed faculty are notified of a student's approved Reasonable Accommodations when they receive the Letter of Accommodation (LOA). The LOA lists, with descriptions, the approved Reasonable Accommodations. We encourage students to meet with their instructors to review the Reasonable Accommodations. If an instructor has any questions about specific Reasonable Accommodations and/or how they are to be implemented, they should contact DAS to discuss their concerns. *

If a student does not want their instructors to be made aware of their approved Reasonable Accommodations, the University may not be able to implement such Reasonable Accommodations especially where the faculty member is integral to implementation.

**The UBalt Law Office of Student Affairs (Director of Student Support) will receive a copy of law student accommodation letters, meet with students to discuss implementation of in-class and testing accommodations, and centrally schedule and implement exam accommodations.*

E. Modifications

At any point, if a student wishes to modify their approved accommodations, they should schedule an appointment with DAS to discuss further. DAS may request new Documentation in consideration of the modification request. UBalt will engage in the same interactive process as set forth above when responding to a modification request.

IV. Student Grievance Process

Any student who believes that they have been denied access to educational opportunities or Reasonable Accommodations required by law may make a Complaint under these grievance procedures. Specifically, students may make a Complaint about:

- a denial of a requested service or accommodation, including appeals of DAS determinations regarding Reasonable Accommodations; and
- inaccessibility (whether physical or electronic in nature) of a University program, activity, service, or facility, including an alleged failure of the University to properly implement an approved Reasonable Accommodation.

Students who have a complaint of discrimination based on Disability that does not involve allegations of a failure to accommodate or inaccessibility of a University program, service, or activity should address those complaints under the [University's Non-Discrimination Policy](#). Additionally, these grievance procedures are not intended to and shall not supersede other University policies and procedures, which may exist for addressing issues of concern unrelated to Disabilities for which separate University policies and procedures exist, including, for example, grade appeals unrelated to alleged Disability discrimination, will be addressed under the University's [Grade Challenge Policy](#). Students are encouraged to consult with the Director of DAS regarding the most appropriate University policy or procedure to address a particular concern.

Using these grievance procedures is not a prerequisite to the pursuit of other remedies, including, for example, filing a disability discrimination complaint with the Department of Education, Office of Civil Rights. The rights of a person to a prompt and equitable resolution of the grievance filed hereunder will not be impaired by the

person's pursuit of complaints filed with outside agencies such as the Department of Education. Retaliation for filing a grievance in accordance with this Policy will not be tolerated, and a student or employee who engages in Retaliation may be subject to discipline.

A. Step One

Step one of the grievance process requires the student to initiate an informal discussion with the Director of DAS. Often, a student's complaint can be quickly resolved through this discussion, and any subsequent steps taken by the Director of DAS. Students are encouraged to initiate Step One immediately upon denial of an accommodation request or failure to implement an approved Reasonable Accommodation to facilitate a quick resolution.

For example, if the grievance involves an alleged failure by an instructor or other University employee (Responding Party) to implement an approved Reasonable Accommodation, the DAS Director will contact the Responding Party to share this concern and determine any necessary steps to implement the approved Reasonable Accommodation or discuss whether an alternative Reasonable Accommodation is necessary. If that discussion does not resolve the matter, it may be appropriate to have a follow-up discussion with the student and the Responding Party.

Any resolution reached through this informal process will be documented and shared with the student and the Responding Party, if appropriate.

If the matter is not resolved through the informal process set forth in step one, the student may choose to initiate step two of the grievance process.

B. Step Two

If the student's Complaint is not resolved at Step One, they can initiate Step Two by filing their Complaint, in writing with the Associate Vice President of Student Success/Dean of Students - lesters@ubalt.edu. The Complaint must contain the name and address of the person filing the Complaint and a description of the alleged violation of this policy.

Step Two must be initiated within 10 days of the conclusion of Step One.

An investigation, as may be appropriate, will begin within ten (10) days of the filing of the Complaint. The investigation will be conducted by the Associate Vice President of Student Success/Dean of Students or his/her designee. The investigation will involve interviews with the student, the Responding Party(ies) and any witnesses identified that might possess relevant information.

A written determination of the outcome of the investigation and a description of the resolution, if any, shall be issued by the Dean of Students or designee,

and forwarded to the student and Responding Party(ies) generally within fifteen (15) days after the investigation is completed. Resolution outcomes may be shared with school officials who need to know the information.

DAS will maintain the files and records relating to Complaints filed under these grievance procedures.

C. Step Three - Appeal of Step Two Decision

A student who is not satisfied with the decision at Step Two can appeal that decision to the Vice President of Student Success and Chief Student Affairs Officer or their designee (Appeal Officer). The appeal must be in writing and sent to the Appeal Officer via email at nmarano@ubalt.edu

The grounds for appeal are limited to the following bases:

- 1) There was a procedural error in the grievance process that was so substantial as to effectively deny the student a fair opportunity to be heard and the error significantly impacted the outcome in Step Two; or
- 2) There is new evidence that should be considered and was unknown or unavailable during the investigation at Step Two, which if considered could have substantially impacted the outcome at Step Two.

The student must identify the grounds for appeal in their written appeal and describe how the grievance process was impacted. It is the sole discretion of the Appeal Officer to determine if an in-person meeting with any participant is necessary.

The Appeal Officer shall render a decision on the appeal within ten (10) working days of receiving the appeal. The Appeal Officer's decision shall be considered the final decision of the University regarding the student's Complaint.

B. Outside Agency Complaints

At any point a student may contact the U.S. Department of Education's Office of Civil Rights to discuss the filing of a complaint of disability discrimination:

Atlanta Office
Office for Civil Rights
U.S. Department of Education
61 Forsyth St. S.W., Suite 19T10
Atlanta, GA 30303-8927

Telephone: 404-974-9406
FAX: 404-974-9406; TDD: 800-877-8339
Email: OCR.Atlanta@ed.gov

