



MIDWESTERN STATE UNIVERSITY

Operating Policies & Procedures Manual

University Operating Policy/Procedure (“OP”)

OP 10.13: Establishing Reasonable Accommodations for Students with Disabilities

Approval Authority:	President
Policy Type:	University Operating Policy and Procedure
Policy Owners:	Provost and Vice President for Academic Affairs Vice President for Enrollment Management and Student Affairs
Responsible Offices:	Executive Director, Student Wellness
Next Scheduled Review:	09/01/2028 – This OP will be reviewed in November of even-numbered years, or as needed, by the Executive Director of Student Wellness with substantive revisions forwarded to the Vice President for Enrollment Management and Student Affairs and the Provost and Vice President for Academic Affairs and on to the President.

I. Policy Statement

The [Americans with Disabilities Act \(ADA\) of 1990 \(PL101-336\)](#) mandates equal opportunities for persons with disabilities in all public facilities, programs, activities, services, and benefits derived from them. [Section 504 of the Rehabilitation Act of 1973 \(PL93-112\)](#), as amended, mandates equal opportunity for qualified persons with disabilities in all programs, activities, and services of recipients of federal financial assistance.

Both ADA and Section 504 are civil rights statutes that prohibit discrimination on the basis of disability, obligate colleges and universities to make certain adjustments and accommodations, and offer to persons with disabilities the opportunity to participate fully in all institutional programs and activities. Midwestern State University (“MSU” or “University”), a component institution of the Texas Tech University (“TTU”) System, adheres to these regulations and the [Texas Workforce Commission](#).

II. Reason for Policy

The purpose of this OP is to outline the procedures for establishing reasonable accommodation for students with disabilities.

III. Application

This policy applies to all students and employees (faculty, staff, or students).

IV. Definitions

For purposes of this OP:

Assistance Animals – Means any service animal, as well as an animal needed for emotional support.

Emotional Support Animal – Means any animal needed for emotional support and comfort kept in the individual's primary place of dwelling.

Service Animal - Means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals. In some cases, the University may permit miniature horses on campus on a case-by-case basis, consistent with applicable law.

V. Procedures and Responsibilities

A. Faculty Notice

Faculty members must include an official policy statement in every course syllabus to ensure students are informed of institutional expectations and requirements.

In accordance with Section 504 of the Federal Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, Midwestern State University endeavors to make reasonable accommodations to ensure equal opportunity for qualified persons with disabilities to participate in all education, social, and recreational programs and activities. After notification of acceptance to the University, students requiring accommodations should apply for such assistance through Disability Support Services, located in the Student Wellness Center. Current documentation of a disability is required to provide appropriate services, and each request will be reviewed individually.

B. Eligibility and Procedures for Establishing Reasonable Accommodations

The University has a responsibility to identify and maintain standards that are fundamental to its programs while still ensuring access for qualified individuals with disabilities. In meeting these obligations:

1. A student must register with Disability Support Services and file appropriate documentation in order to be eligible for any disability benefits and services described in this operating policy.
2. The University-approved mechanism for establishing reasonable accommodations is written notification in the form of a *Letter of Accommodation* from Disability Support Services. The *Letter of*

Accommodation indicates to faculty that the student has given proof of her/his disability and that the accommodation(s) noted is considered appropriate and reasonable. No further proof of disability should be required of the student. Students presenting other kinds of verification should be referred to Disability Support Services for the appropriate identification. No requirement exists to provide accommodations prior to completion of the approved University process.

3. Faculty members are not permitted to provide accommodations for a student's disability needs unless the student provides a *Letter of Accommodation* from Disability Support Services. Ideally, *Letters of Accommodation* should be presented to instructors at the beginning of the semester; however, *Letters of Accommodation* may be submitted at any point during a semester. If a *Letter of Accommodation* is presented after a semester begins, the accommodation applies only from the date presented to and signed by the faculty member until the completion of the semester. One week is considered a reasonable amount of time to allow the faculty member to implement the accommodation.

C. Procedures for Course Substitution in All Academic Areas

1. The student must first register with Disability Support Services and be eligible for services based on the documentation submitted.
2. Course substitutions will be considered on an individual basis using the following criteria:
 - a. The documentation supports the student's request; and
 - b. The course for which the substitution is being requested is not an essential element for the degree requirements of the program in which the student is enrolled.
3. Once Disability Support Services, in consultation with the appropriate academic department and college dean, determines that the documentation submitted does support a course substitution request, the dean or her/his designee and the student will meet to discuss options for course substitution. The nature of the substitution will be determined by the dean or her/his designees and is final.

D. Course Load Reduction for Full-time Status Designation

1. The student must first register with Disability Support Services and be eligible for services based on the documentation submitted.
2. The student must provide documentation for the disability from a licensed professional, and the assessment report must indicate a recommendation of a reduced course load. If the report does not contain a specific recommendation for the reduced course load, then a letter from the licensed professional who conducted the assessment must be submitted that specifically recommends a reduced course load.
3. The Office of Disability Support Services will then write a letter of

recommendation for the student to the academic dean of the college in which the student is enrolled. This letter will specify the recommended course load.

4. Students who drop below 12 hours will not be eligible for most federal financial aid but may be eligible for state and local assistance.

E. Service Animals, Service Animals in Training, and Emotional Support Animals

1. Service Animals

- a. Individuals with disabilities may be accompanied by their service animals in all MSU buildings where members of the public or participants in services, programs, or activities are allowed to go. By law, a service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals. In some cases, the University may permit miniature horses on campus on a case-by-case basis, consistent with applicable law.
- b. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of such tasks include, but are not limited to, assisting an individual with low vision with navigation, alerting individuals who are hard of hearing to the presence of people or objects, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with a mobility disability.
- c. If an individual's need for a service animal and the qualifications of the animal are not obvious, the individual may be asked (1) whether the animal is required because of a disability; and (2) what work or task(s) the animal has been trained to perform.
- d. Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the University's grounds and facilities where members of the public; participants in services, programs or activities; or invitees are allowed to go.
- e. A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether unless the handler is unable, because of a disability, to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks. In either of those cases, the service animal must be under the handler's control by voice control, signals, or other effective means.
- f. If a service animal is properly excluded under the foregoing provision, the individual with a disability shall be given the opportunity to participate in the service, program, or activity without having the service animal on the premises.
- g. The University is not responsible for the care or supervision of a service animal. If a person with a disability remains on the premises after his or

her service animal is properly excluded, it is that person's responsibility to arrange for the animal's care and supervision.

2. Emotional Support Animals in University Housing

- a. Federal law under the [Fair Housing Act](#) - see *Texas Human Resources Code, Chapter 121, Section 121.003(i)* - allows individuals with disabilities to have the presence of an Emotional Support Animal (“ESA”) in University housing as an accommodation. The U.S. Department of Housing and Urban Development (“HUD”) defines an emotional support animal as an animal that provides emotional support and comfort and is kept in the individual’s primary place of residence. An individual may keep an emotional support animal as an accommodation in University housing if:

- (1) The individual has a disability;
- (2) The animal is necessary to afford the individual an equal opportunity to use and enjoy a dwelling; and
- (3) There is an identifiable relationship between the disability and the emotional support the animal provides. Emotional support animals are NOT allowed in any other University buildings.

- b. Exceptions

The University may exclude an emotional support animal from University housing if the animal is not housebroken, would cause substantial physical damage to the property of others or University facilities, would pose a direct threat to the health or safety of others, would fundamentally alter the nature of a program or activity, or is not being cared for by the individual. Students will be liable for damage caused by emotional support animals in the same manner they are responsible for personal damages to University property.

- c. Responsibilities of Individuals with Emotional Support Animals

The University is not responsible for the care or supervision of an emotional support animal. Individuals with disabilities are responsible for controlling their assistance animals at all times and for ensuring the immediate cleanup and proper disposal of all animal waste. Individuals must comply with all applicable laws and regulations, including vaccination, licensure, and animal health and leash laws, as well as the University's rules in lease provisions regarding vaccination, licensure, leash control, cleanup rules, animal health, and community relationships.

3. Service Animals in Training

- a. State of Texas Law – see *Texas Human Resources Code, Chapter 121, Section 121.003(i)* - allows for service animals in training to be permitted in the same areas where service animals are permitted when accompanied by an approved trainer. Students will be permitted to have service animals in training by completing the following:

- (1) Complete the *Disability Support Services Verification Form* for

Service Animals in Training. This form does not register the student with Student Disability Services for classroom accommodations, but if the student wants to apply for services, he/she can do so. This *SDS Verification Form*, along with documentation certifying the student as an approved trainer (see section 2 below), will be kept on file in the Disability Support Services Office.

- (2) Provide Disability Support Services with a *Certification of Training* document. An *approved trainer* recognized by MSU is an individual who has been certified by an organization whose primary mission is to train service animals for people with disabilities. **If the student is not an approved trainer, the student must provide proof that an approved trainer will be with the student and the dog while on campus.**
- (3) Meet with Disability Support Services staff to obtain approval for bringing a service animal in training into campus buildings. A *campus building* is any building on campus, including housing facilities. During this meeting, DSS staff and student will:
 - Review published ADA language that allows for the person to train the dog themselves but *does not* recognize service animals in training as a protected accommodation.
 - Review State of Texas statute that does allow service animals in training to access the same areas as service animals as long as they are accompanied by an approved trainer.
 - Review MSU's policy on what constitutes a recognized approved trainer.
 - Review MSU policy that service animals in training must be identified by a vest or tag indicating they are in training, and must comply with and abide by the same University policies and procedures that any Service Animal or Assistance Animal follows. This includes the [Student Code of Conduct](#).
- (4) Housing Requirements – If the student resides in MSU Student Housing, then the *Verification Form* will be sent to Housing as well.

F. Temporary Accommodations for Students

1. The Disability Support Services (“DSS”) Office offers a wide variety of services to students with temporary documented disabilities. Services are extended to students with temporary disabilities only for the duration of the functional limitations associated with their disability. In consultation with ~~an~~ **the DSS counselor Office**, students granted temporary status will be provided appropriate academic accommodations, depending on limitations due to the temporary disability. Students will be responsible for requesting the *Letters of Accommodation* outlining the approved accommodations, as well as speaking to their instructors to set up the needed accommodations.
2. The eligibility process is the same for a temporary disability as for permanent

disability cases. A student must apply for services online and provide the necessary documentation to support their temporary disability. After reviewing the student's application and documentation, a DSS counselor will meet with the student to determine appropriate academic services and accommodations dependent on temporary limitations the student has in the academic setting.

3. Although temporary disability cases are generally short-term mobility issues, Disability Support Services will also grant temporary accommodations to a student if the student has no documentation or is working to obtain updated or relevant documentation. In this instance, a student will be granted accommodations only for the semester in which the testing is being completed, and updated documentation must be submitted by the end of the semester for accommodations to become permanent.
4. Students provided temporary accommodation will have their file/case reviewed at the end of each semester. The individual DSS counselor assigned to the student will conduct an initial evaluation by contacting the student to confirm temporary status, substantiate further need for services, or seek appropriate documentation. Once the initial review is complete, the DSS staff will meet with the student and complete the intake process to establish reasonable accommodations.

G. Appeal Process for Denial of Services or Accommodations

1. Students who are denied services or denied a specific accommodation request by the MSU Office of Disability Support Services may appeal the decision to the Director of the MSU Disability Support Services.
2. If the decision of denial is upheld by the Director of MSU Disability Support Services, the student may then appeal the decision to the University's Director of Student Wellness.
3. The decision of the University's Director of Student Wellness is the final ruling. Students may then file a complaint with the United States Department of Education's Office for Civil Rights ("OCR") if they feel that they have been, due to their disability, discriminated against with the decision.

VI. Related Statutes, Policies and Procedures, and Resources

Related Statutes/Rules:

Federal:

Americans with Disabilities Act (PL101-336)

Section 504 of the Rehabilitation Act of 1973 (PL93-112)

Fair Housing Act (Note: On May 22, 2026, the U. S. Department of Housing and Urban Development ("HUD") rescinded prior guidance applying the Fair Housing Act ("FHA") to emotional support animals ("ESAs"). HUD also announced a new standard: it will now apply the more restrictive American with Disabilities Act ("ADA") rules to its assessment of animal-related complaints. Colleges and universities will no longer be presumptively expected by HUD to allow students to keep untrained ESAs in campus housing. However, the FHA still requires an individual interactive process and each request must be considered on its own merit and factual

circumstances. In addition, many states, such as Texas, have their own fair housing statutes and independently protect ESAs, which remain unchanged.)

Code of Federal Regulations (CFR), Title 28, Part 35, Section 35.104

State:

Texas Labor Code, Chapter 21

Texas Fair Housing Act (Texas Property Code, Chapter 301)

Texas Human Resources Code, Title 8, Chapter 121 (see Section 121.003(i))

Texas Commission on Human Rights Act

Related MSU OPs Policies:

OP 16.01: Equal Opportunity and Affirmative Action Policy Statement

OP 16.03: Non-Discrimination and Anti-Harassment Policy and Complaint Procedure

OP 16.04: Access for Individuals with Disabilities

OP 44.02: Electronic and Information Resources Accessibility

VII. Responsible Office

Executive Director, Student Wellness

Phone: (940) 397-4206

E-mail: angie.reay@msutexas.edu

VIII. Revision History

— 2026: Adopted and approved by MSU President Stacia Haynie as OP 10:13: Establishing Reasonable Accommodations for Students with Disabilities, the OP is in response to an audit recommendation to outline procedures for students with disabilities to establish reasonable accommodations in compliance with *Americans with Disabilities Act* (PL101-336), *Section 504 of the Rehabilitation Act of 1973* (PL93-112), *Fair Housing Act*, *Texas Labor Code, Chapter 21*, *Texas Fair Housing Act (Texas Property Code, Chapter 301)*, and *Texas Human Resources Code, Title 8, Chapter 121*, and patterned after similar operating policies and procedures at TTU System component institutions Texas Tech University and Angelo State University.

Stacia Haynie, President
Midwestern State University

Date Signed: _____

TEXAS TECH UNIVERSITY

OPERATING POLICY AND PROCEDURE

Establishing Reasonable Accommodations for Students with Disabilities

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OP 34.22: Establishing Reasonable Accommodation for Students with Disabilities**DATE:** December 19, 2024**PURPOSE:** The purpose of this Operating Policy/Procedure (OP) is to outline the procedures for establishing reasonable accommodation for students with disabilities.**REVIEW:** This OP will be reviewed every two years after publication by the Managing Director of Student Disability Services with substantive revisions forwarded to the Vice Provost for Student Life and the Vice Provost for Academic Innovation and Student Success and final approval by the Provost and Senior Vice President.**POLICY/PROCEDURE****1. Background**

The Americans with Disabilities Act (ADA) of 1990 (PL101-336) mandates equal opportunities for persons with disabilities in all public facilities, programs, activities, services, and benefits derived from them. Section 504 of the Rehabilitation Act of 1973 (PL93-112), as amended, mandates equal opportunity for qualified persons with disabilities in all programs, activities, and services of recipients of federal financial assistance. Both ADA and Section 504 are civil rights statutes that prohibit discrimination on the basis of disability, obligate colleges and universities to make certain adjustments and accommodations, and offer to persons with disabilities the opportunity to participate fully in all institutional programs and activities. Texas Tech University adheres to these regulations and the Texas Workforce Commission.

2. Faculty Notice

Faculty members are required to insert the following statement into each course syllabus:

Any student who, because of a disability, may require special arrangements in order to meet the course requirements should contact the instructor as soon as possible to make any necessary arrangements. Students should present appropriate verification from Student Disability Services (SDS) during the instructor's office hours. Please note: instructors are not allowed to provide classroom accommodations to a student until appropriate verification from Student Disability Services has been provided. For additional information, please contact Student Disability Services in Weeks Hall or call 806.742.2405.

3. Eligibility and Procedures for Establishing Reasonable Accommodation

- a. A student must register with Student Disability Services and file appropriate documentation in order to be eligible for any disability benefits and services described in this operating policy.

- b. The university-approved mechanism for establishing reasonable accommodation is written notification in the form of a *Letter of Accommodation* from Student Disability Services. The *Letter of Accommodation* indicates to faculty that the student has given proof of her/his disability and that the accommodation noted is considered appropriate and reasonable. No further proof of disability should be required of the student. Students presenting other kinds of verification should be referred to Student Disability Services for the appropriate identification. No requirement exists that accommodation be made prior to completion of the approved university process.
- c. Faculty members are not permitted to provide accommodations for a student's disability needs unless the student provides a *Letter of Accommodation* from Student Disability Services. Ideally, *Letters of Accommodation* should be presented to instructors at the beginning of the semester; however, *Letters of Accommodation* may be submitted at any point during a semester. If a *Letter of Accommodation* is presented after a semester begins, the accommodation applies only from the date presented to and signed by the faculty member until the completion of the semester. One week is considered a reasonable amount of time to allow the faculty member to implement the accommodation.

4. Procedures for Course Substitution in All Academic Areas

- a. The student must first register with Student Disability Services and be eligible for services based on the documentation submitted.
- b. Course substitutions will be considered on an individual basis using the following criteria:
 - (1) The documentation supports the student's request; and
 - (2) The course for which the substitution is being requested is not an essential element for the degree requirements of the program in which the student is enrolled.
- c. Once Student Disability Services determines that the documentation submitted does support a course substitution request, Student Disability Services will write a letter of recommendation for such request to the associate academic dean of the college in which the student is enrolled or her/his designee.
- d. If the course substitution request is granted, the associate academic dean or her/his designee and the student will meet to discuss options for course substitution. The nature of the substitution will be determined by the dean or her/his designee.

5. Course Load Reduction for Full-Time Status Designation

- a. The student must first register with Student Disability Services and be eligible for services based on the documentation submitted.
- b. The student must provide documentation for the disability from a licensed professional, and the assessment report must indicate a recommendation of a reduced course load. This document will authorize the course load reduction. If the report does not contain a specific recommendation for the reduced course load, then a letter of support from the licensed professional who conducted the assessment must be submitted that specifically recommends a reduced course load.
- c. The Office of Student Disability Services will then write a letter of recommendation for the student to the associate academic dean of the college in which the student is enrolled or her/his designee.
- d. Students who drop below 12 hours will not be eligible for most federal financial aid but may be eligible for state and local assistance.

6. Service Animals, Service Animals in Training, and Emotional Support Animals

a. Service Animals

(1) Individuals with disabilities may be accompanied by their service animals in all Texas Tech University buildings where members of the public or participants in services, programs, or activities are allowed to go. By law, a service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals. In some cases, the university may permit miniature horses on campus on a case-by-case basis, consistent with applicable law.

(2) The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of such tasks include, but are not limited to, assisting an individual with low vision with navigation, alerting individuals who are hard of hearing to the presence of people or objects, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with a mobility disability.

(3) If an individual's need for a service animal and the qualifications of the animal are not obvious, the individual may be asked (a) whether the animal is required because of a disability; and (b) what work or task(s) the animal has been trained to perform.

(4) Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the university's grounds and facilities where members of the public; participants in services, programs, or activities; or invitees are allowed to go.

(5) A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether unless the handler is unable, because of a disability, to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks. In either of those cases, the service animal must be under the handler's control by voice control, signals, or other effective means.

(6) If a service animal is properly excluded under the foregoing provision, the individual with a disability shall be given the opportunity to participate in the service, program, or activity without having the service animal on the premises.

(7) The university is not responsible for the care or supervision of a service animal. If a person with a disability remains on the premises after his or her service animal is properly excluded, it is that person's responsibility to arrange for the animal's care and supervision.

b. Emotional Support Animals in University Housing

(1) Federal law under the Fair Housing Act allows individuals with disabilities the presence of an Emotional Support Animal (ESA) in university housing as an accommodation. The U.S. Department of Housing and Urban Development (HUD) defines an emotional support animal as an animal needed for emotional support and comfort kept in the individual's primary place of dwelling. An individual may keep an emotional support animal as an accommodation in university housing if:

(a) The individual has a disability;

(b) The animal is necessary to afford the individual an equal opportunity to use and enjoy a dwelling; and

(c) There is an identifiable relationship between the disability and the emotional support the animal provides. Emotional support animals are NOT allowed in any other university buildings.

(2) Exceptions

The university may exclude an emotional support animal from university housing if the animal is not housebroken, would cause substantial physical damage to the property of others or university facilities, would pose a direct threat to the health or safety of others, would fundamentally alter the nature of a program or activity, or is not being cared for by the individual. Students will be liable for damage caused by emotional support animals in the same manner they are responsible for personal damages to university property.

(3) Responsibilities of Individuals with Emotional Support Animals

The university is not responsible for the care or supervision of an emotional support animal. Individuals with disabilities are responsible for the control of their emotional support animals at all times and for ensuring the immediate cleanup and proper disposal of all animal waste. Individuals must comply with all applicable laws and regulations, including vaccination, licensure, and animal health and leash laws, as well as the university's rules in lease provisions regarding vaccination, licensure, leash control, cleanup rules, animal health, and community relationships.

c. Service Animals in Training

State of Texas law allows for service animals in training to be permitted in the same areas where service animals are permitted. Students will be permitted to have service animals in training by completing the following:

- (1) Complete the *Student Disability Services Verification Form for Service Animals in Training*. This form does not register the student with Student Disability Services for classroom accommodations, but if the student wants to apply for services, he/she can do so. This *SDS Verification Form*, along with documentation certifying the student as an approved trainer (see section (2) below), will be kept on file in the Student Disability Services Office.
- (2) Provide Student Disability Services a *Certification of Training* document. An *approved trainer* recognized by Texas Tech University is an individual who has been certified by an organization whose primary mission is to train service animals for people with disabilities. If the student is not an approved trainer, the student must provide proof that an approved trainer will be with the student and the dog while in campus buildings.
- (3) Meet with Student Disability Services staff to obtain approval for bringing a service animal in training into campus buildings. A *campus building* is any building on campus, including housing facilities. During this meeting, SDS staff and the student will:
 - Review published ADA language that allows for the person to train the dog themselves but *does not* recognize service animals in training as a protected accommodation.
 - Review State of Texas statute that does allow service animals in training to access the same areas as Service Animals as long as they are accompanied by an approved trainer.
 - Review TTU's policy on what constitutes a recognized approved trainer.

- Review TTU policy that service animals in training must be identified by a vest or tag indicating they are in training and must comply with and abide by the same university policies and procedures that any service animal or emotional support animal follows. This includes the Code of Student Conduct.

(4) Housing Requirements – If the student resides in TTU Student Housing, then the *Verification Form* will be sent to Housing as well.

7. Temporary Accommodations for Students

- The Student Disability Services (SDS) Office offers a wide variety of services to students with temporary documented disabilities. Services are extended to students with temporary disabilities only for the duration of the functional limitations associated with their disability. In consultation with an SDS counselor, students granted temporary status will be provided appropriate academic accommodations, depending on limitations due to the temporary disability. Students will be responsible for requesting the *Letters of Accommodation* outlining the approved accommodations, as well as speaking to their instructors to set up the needed accommodations.
- The eligibility process is the same for a temporary disability as for permanent disability cases. A student must apply for services online and provide the necessary documentation to support their temporary disability. After reviewing the student's application and documentation, an SDS counselor will meet with the student to determine appropriate academic services and accommodations dependent on temporary limitations the student has in the academic setting.
- Although temporary disability cases are generally short-term mobility issues, Student Disability Services will also grant temporary accommodations to a student if the student has no documentation, or is working to obtain updated or relevant documentation. In this instance, a student will be granted accommodations only for the semester in which the testing is being completed, and updated documentation must be submitted by the end of the semester for accommodations to become permanent.
- Students provided temporary accommodation will have their file/case reviewed at the end of each semester. The individual SDS counselor assigned to the student will conduct an initial evaluation by contacting the student to confirm temporary status, substantiate further need of services, or seek appropriate documentation. Once the initial review is complete, the SDS staff will meet with the student and complete the intake process to establish reasonable accommodations.

OPERATING POLICY AND PROCEDURE

OP 10.24 Establishing Reasonable Accommodations for Students with Disabilities

PURPOSE:

The purpose of this Operating Policy/Procedure (OP) is to outline the procedures for establishing reasonable accommodations for students with disabilities.

REVIEW:

This OP will be reviewed in August of even-numbered years by the Director of Student Disability Services with substantive revisions forwarded to the Dean of Students and final approval by the Vice President for Student Affairs.

POLICY/PROCEDURE

1. Background

The Americans with Disabilities Act (ADA) of 1990 (PL101-336) mandates equal opportunities for persons with disabilities in all public facilities, programs, activities, services, and benefits derived from them. Section 504 of the Rehabilitation Act of 1973 (PL93-112), as amended, mandates equal opportunity for qualified persons with disabilities in all programs, activities, and services of recipients of federal financial assistance. Both ADA and Section 504 are civil rights statutes that prohibit discrimination on the basis of disability, obligate colleges and universities to make certain adjustments and accommodations, and offer to persons with disabilities the opportunity to participate fully in all institutional programs and activities. Angelo State University adheres to these regulations and the Texas Commission on Human Rights Act.

2. Faculty Notice

- A. A statement about disability accommodations for students is included in the syllabus template in Concourse and should be automatically included into each course syllabus. It is the students' responsibility to initiate the process of requesting accommodations with the university by submitting an application with Student Disability Services, located in the Office of the Dean of Students, Houston Harte University Center, Office Suite 112.

3. Eligibility and Procedures for Establishing Reasonable Accommodation

- A. A student must register with Student Disability Services and file appropriate documentation in order to be eligible for any disability benefits and services described in this operating policy.
- B. The university-approved mechanism for establishing reasonable accommodation is written notification in the form of a Letter of Accommodation from Student Disability Services. The Letter of Accommodation indicates to faculty that the student has given proof of her/his disability and that the accommodation noted is considered appropriate and reasonable. No further proof of disability should be required of the student. Students presenting other kinds of verification should be referred to Student Disability Services for the appropriate identification. No requirement exists that accommodation be made prior to completion of the approved university process. A student using a personal mobility device different from standard medical equipment

must be approved by Student Disability Services to utilize the device on campus and in campus buildings outside the guidelines of OP 34.31 Campus Walkways. A sticker indicating approval from Student Disability Services should be displayed on the device and clearly visible to others.

- C. Faculty members are not permitted to provide accommodations for a student's disability needs unless the student provides a *Letter of Accommodation* from Student Disability Services. Ideally, *Letters of Accommodation* should be provided to instructors at the beginning of the semester; however, *Letters of Accommodation* may be submitted at any point during a semester. If a *Letter of Accommodation* is presented after a semester begins, the accommodation applies only from the date presented to the faculty member, and the student visits with the faculty member about the accommodations until the completion of the semester. One week is considered a reasonable amount of time to allow the faculty member to implement the accommodation.

4. Procedures for Course Substitution in All Academic Areas

- A. The student must first register with Student Disability Services and be eligible for services based on the documentation submitted.
- B. Course substitutions will be considered on an individual basis using the following criteria:
 - 1. The documentation supports the student's request; and
 - 2. The course for which the substitution is being requested is not a required course for the degree requirements of the program in which the student is enrolled.
- C. Once Student Disability Services determines that the documentation submitted does support a course substitution request, Student Disability Services will write a letter of recommendation for such request to the academic dean of the college in which the student is enrolled or her/his designee.
- D. If the course substitution request is granted, the dean or her/his designee and the student will meet to discuss options for course substitution. The nature of the substitution will be determined by the dean or her/his designee and is final.

5. Course Load Reduction for Full-time Status Designation

- A. The student must first register with Student Disability Services and be eligible for services based on the documentation submitted.
- B. The student must provide documentation for the disability from a licensed professional, and the assessment report must indicate a recommendation of a reduced course load. This document will authorize the course load reduction. If the report does not contain a specific recommendation for the reduced course load, then a letter of support from the licensed professional who conducted the assessment must be submitted that specifically recommends a reduced course load.
- C. The Office of Student Disability Services will then write a letter of recommendation for the student to the academic dean of the college in which the student is enrolled or her/his designee.

- D. Students who drop below 12 hours will not be eligible for most federal financial aid but may be eligible for state and local assistance.

6. Service Animals, Service Animals in Training, and Assistance Animals

A. Service Animals

1. Individuals with disabilities may be accompanied by their service animals in all Angelo State University buildings where members of the public or participants in services, programs, or activities are allowed to go. By law, a service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals. In some cases, the university may permit miniature horses on campus on a case-by-case basis, consistent with applicable law.
2. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of such tasks include but are not limited to assisting an individual with low vision with navigation; alerting individuals who are hard of hearing to the presence of people or objects; pulling a person's wheelchair; or providing assistance with stability or balance to an individual with a mobility disability.
3. If an individual's need for a service animal and the qualifications of the animal are not obvious, the individual may be asked (a) whether the animal is required because of a disability; and (b) what work or task(s) the animal has been trained to perform.
4. Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the university's grounds and facilities where members of the public, participants in services, programs or activities, or invitees are allowed to go.
5. A service animal shall be under the control of its handler at all times. A service animal shall have a harness, leash, or other tether unless the handler is unable, because of a disability, to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance or work or tasks. In either of those cases, the service animal must be under the handler's control by voice control, signals, or other effective means.
6. If a service animal is properly excluded under the foregoing provision, the individual with a disability shall be given the opportunity to participate in the service, program, or activity without having the service animal on the premises.
7. The university is not responsible for the care or supervision of a service animal. If a person with a disability remains on the premises after his or her service animal is properly excluded, it is that person's responsibility to arrange for the animal's care and supervision.

B. Assistance Animals in University Housing

1. Federal law allows individuals with disabilities the presence of a broader range of animals ("assistance animals") in university housing as compared with the campus as a whole. By law, an assistance animal means any service animal, as defined above, as well as an animal needed for emotional support. An individual may keep an assistance animal as an accommodation in university housing if:
 - a. The individual has a disability;
 - b. The animal is necessary to afford the individual an equal opportunity to use and enjoy a dwelling; and
 - c. There is an identifiable relationship between the disability and the assistance the animal provides. Assistance animals are NOT allowed in any other university buildings.
2. Exceptions

The university may exclude an assistance animal from university housing if the animal is not housebroken; would cause substantial physical damage to the property of others or university facilities; would pose a threat to the health or safety of others; would fundamentally alter the nature of a program or activity; or is not being cared for by the individual. Students will be liable for damage caused by assistance animals in the same manner they are responsible for personal damages to university property.

3. Responsibilities of Individuals with Assistance Animals

The university is not responsible for the care or supervision of an assistance animal. Individuals with disabilities are responsible for the control of their assistance animals at all times and for ensuring the immediate cleanup and proper disposal of all animal waste. Individuals must comply with all applicable laws and regulations, including vaccination, licensure, animal health and leash laws, as well as the university's rules regarding community relationships.

C. Service Animals in Training

1. State of Texas Law allows for Service Animals in Training to be permitted in the same areas where Service Animals are permitted. Students will be permitted to have Service Animals in Training by completing the following:
 - a. Complete an application with Student Disability Services (SDS) and state the need for a service animal in training. This application does not require the student to receive classroom accommodations, but if the student wants to apply for services, he/she can do so. This SDS application, along with documentation certifying the student is working with an approved trainer (#2), will be kept on file in the Student Disability Services Office.
 - b. Provide Student Disability Services a Certification of Training document. *An approved trainer recognized by Angelo State University is an individual who has been certified by an organization whose primary mission is to train service animals for people with disabilities. If the student is not an approved trainer, the student must provide proof an approved trainer will be with the student and the dog while in campus buildings.*

- c. Meet with Student Disability Services staff to obtain approval for bringing a Service Animal in Training into campus buildings. A *campus building* is any building on campus, including housing facilities. During this meeting, SDS Staff and student will:
 - Review published ADA language that allows for the person to train the dog themselves but *does not* recognize service animals in training as a protected accommodation.
 - Review State of Texas statute that does allow service animals in training to access the same areas as Service Animals as long as they are accompanied by BOTH an individual with a disability AND an approved trainer.
 - Review ASU policy on what constitutes a recognized approved trainer.
 - Review ASU policy that Service Animals in Training must be identified by a vest or tag indicating they are in training, must remain with the individual with a disability at all times, and must comply with and abide by the same University policies and procedures that any Service Animal or Assistance Animal follows. This includes the Student Code of Conduct.
 - d. Housing Requirements – If the student resides in ASU Student Housing, then the information will be sent to Housing as well.
- D. Temporary Accommodations for Students
1. The Student Disability Services (SDS) Office offers a wide variety of services to students with temporary documented disabilities. Services are extended to students with temporary disabilities only for the duration of the functional limitations associated with their disability. In consultation with an SDS staff member, students granted temporary status will be provided appropriate academic accommodations, depending on limitations due to the temporary disability. Students will be responsible for requesting the letters of accommodation outlining the approved accommodations as well as speaking to their instructors to set up the needed accommodations.
 2. The eligibility process is the same for a temporary disability as for permanent disability cases. A student must apply for services online and provide the necessary documentation to support their temporary disability. After reviewing the student's application and documentation, an SDS staff member will meet with the student to determine appropriate academic services and accommodation dependent on temporary limitations the student has in the academic setting.
 3. Although temporary disability cases are generally short-term mobility issues, Student Disability Services will also grant temporary accommodations to a student if the student has no documentation or is working to obtain updated or relevant documentation. In this instance, a student will be granted accommodations only for the semester in which the testing is being completed and updated documentation must be submitted by the end of the semester for accommodations to become permanent.
 4. Students provided temporary accommodation will have their file/case reviewed at the end of each semester. The individual SDS staff member assigned to the student will conduct an initial evaluation and contact the student to confirm temporary status, substantiate further need of services, or to seek appropriate

documentation. Once the initial review is complete, the SDS staff will meet with the student and complete the intake process to establish reasonable accommodations.

Attachments

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