

Michigan State University Disability and Reasonable Accommodation Policy

Contents

- Michigan State University Disability and Reasonable Accommodation Policy..... 1
 - Introduction 2
 - Notice of Non-Discrimination 2
 - ADA/Section 504 of the Rehabilitation Act/Michigan’s Persons with Disabilities Civil Rights Act..... 2
 - Definitions 2
 - Disability..... 2
 - Qualified Individual with a Disability 2
 - Statement of Employee Accommodation Determination (SEAD)..... 2
 - Verified Individualized Services and Accommodations (VISA) 3
 - Verified Individualized Services and Temporary Adjustments (VISTA)..... 3
 - Relevant MSU Policies..... 3
 - MSU’s Anti-Discrimination Policy..... 3
 - Digital Content and Web Accessibility Policy..... 4
 - Service & Assistance Animal Policy..... 4
 - Barrier Free Access Statement..... 4
 - Roles and Responsibilities..... 5
 - Reasonable Accommodation Procedures for Applicants and Employees 7
 - Reasonable Accommodation Procedures for Prospective and Current Students 8
 - Other University Accommodation Procedures 10
 - Confidentiality..... 11
 - Appeal and Grievance Procedures..... 11
 - Retaliation..... 13
 - Resources & Contacts 14

Introduction

Beginning with our land grant mission and continuing through federal and state legislation, MSU is committed to full inclusion of persons with disabilities. The [Resource Center for Persons with Disabilities \(RCPD\)](#) assists faculty members, staff, employees, job applicants, students, and others by maximizing ability and opportunity for full participation at MSU.

Notice of Non-Discrimination

Michigan State University prohibits discrimination on the basis of disability status, race, color, national origin, age, gender, gender identity, height, marital status, political persuasion, religion, sexual orientation, veteran status, or weight in its programs and activities.

ADA/Section 504 of the Rehabilitation Act/Michigan's Persons with Disabilities Civil Rights Act

Pursuant to Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), as amended by the ADA Amendments Act, the Michigan Persons with Disabilities Civil Rights Act (MPDCRA), and other applicable federal, state and local laws and regulations, Michigan State University prohibits discrimination and harassment against a qualified individual with a disability. Michigan State University is committed to providing reasonable accommodations to ensure equal employment opportunities and access to University programs, services, and facilities.

Definitions

Disability – A physical or mental impairment that substantially limits one or more major life activities, a record of such impairment or being regarded as having such an impairment.

Qualified Individual with a Disability - An individual who, with or without reasonable accommodations, can perform the essential functions of the academic program or job.

Statement of Employee Accommodation Determination (SEAD) - A document issued by the Office of Employee Relations (OER) in MSU Human Resources that communicates to supervisors an employee's need for an accommodation. Supervisors are responsible for maintaining confidentiality of the SEAD and for facilitating the granted accommodations outlined in the document. The SEAD should be held in a confidential place separate from the employee's personnel file.

SEAD Characteristics:

- A unique reference number serves to validate the security and authenticity of the SEAD as produced by OER.
- Requested accommodations are marked as one of the following: granted, granted with modification, or denied. Determination comments and dates are provided by OER to further explain the outcome
- The employee and the OER staff member are named in the SEAD to provide linkages should supervisors need clarification or desire further communications with OER.
- View a [Sample SEAD](#)

Verified Individualized Services and Accommodations (VISA) - A document that enables students to validate and communicate their accommodation needs to faculty. The VISA is individualized and cannot be generated until: 1) the student identifies and registers a disability; 2) the student requests an accommodation; and 3) a needs assessment is conducted.

VISA Characteristics:

- A unique reference number serves to validate the security and authenticity of a VISA as produced by RCPD.
- Accommodations are prescribed with opportunity for feedback from faculty if concerns exist for negative impact on course operations.
- The student and associated RCPD specialist are named in the VISA should faculty need clarification or have concerns.
- The VISA contains background information and a summary of roles for each party.
- The expiration date on the VISA insures routine review of individualized needs.
- View a [Sample VISA](#)

Verified Individualized Services and Temporary Adjustments (VISTA) - A document that performs the same functions as a VISA for students with conditions of a temporary nature. Such adjustments are not required under the ADA but may be granted by the University in certain circumstances.

Relevant MSU Policies

MSU's Anti-Discrimination Policy

MSU's [Anti-Discrimination Policy \(ADP\)](#) prohibits disability discrimination and harassment (and other protected categories as set forth in the policy) against University community members with respect to the following:

- All educational, employment, cultural, and social activities occurring on the University campus;
- University-sponsored programs and activities occurring off-campus, including but not limited to cooperative extension, intercollegiate athletics, lifelong education, and any regularly scheduled classes;

- University housing; and
- Programs and activities sponsored by student governing bodies, including their constituent groups, and by registered student organizations.

While the ADP expressly addresses only discrimination and harassment, encompassed in the definition of disability discrimination is an affirmative obligation to provide reasonable accommodation(s) to a qualified individual with a disability, except when such accommodation would cause an undue hardship.

Digital Content and Web Accessibility Policy

MSU is committed to facilitating access to University instruction, communication, research, and business processes, while enhancing community building for the broadest possible audience as set forth in the [Web Accessibility Policy](#) and [Technical Guidelines](#). The University strives to employ principles of Universal Design and uses the technical guidelines set forth in the policy in the design, implementation, enhancement, and replacement of Web content and services. In doing so, MSU aims to improve access to both current and emerging technologies. The [Digital Experience](#) (DigitalX) team leads web accessibility initiatives and implementation at MSU. The DigitalX team provides resources and tutorials for accessible web development, course and content development, reviews and evaluates technology products and software for the MSU community. This [form](#) may be used to report digital accessibility barriers, i.e., features in MSU provided applications or web pages that make it difficult or impossible to use either directly, or with assistive technology such as a screen reader.

Service & Assistance Animal Policy

MSU recognizes the need of qualified individuals with disabilities to have service animals on-campus and the need of others to have assistance animals in University housing under certain circumstances as set for in the [Service and Assistance Animal Policy](#).

Barrier Free Access Statement

MSU promotes equal access to the University's physical infrastructure and facilities for students, employees, guests and visitors, including those with disabilities. As a part of this commitment, MSU has included in construction projects state and national accessibility/barrier free standards (established by code requirements) to provide an increasingly accessible learning and work environment. Additionally, and where possible, MSU exceeds construction requirements striving towards the principles of an environment that is both accommodating and user-friendly.

Individuals with questions about access to University physical infrastructure and facilities should contact the ADA/Section 504 Coordinator, Tracy A. Leahy, 408 West Circle Drive, Olds Hall Suite 105, East Lansing, MI 48824, (517) 355-3960 or at ocr.tracyleahy@msu.edu.

This [form](#) may be used to make accessibility suggestions related to MSU’s buildings and physical spaces.

Roles and Responsibilities

<p>ADA/Section 504 Coordinator</p>	<ul style="list-style-type: none"> • Designated by the University to coordinate compliance with the ADA, Section 504 of the Rehabilitation Act, Michigan’s Persons with Disabilities Civil Rights Act, and other applicable laws and regulations. • Consults with units and individuals regarding accommodation and access concerns. • Reviews appeals of RCPD/OER decisions from individuals and department/supervisor/faculty. • Provides training and information on the provision of equal opportunity for persons with disabilities.
<p>Office of Employee Relations (OER)</p>	<ul style="list-style-type: none"> • Leads and coordinates the employment accommodation process. • Assesses and documents disabilities, and workplace needs. • Builds and facilitates individual plans for reasonable accommodations for faculty and staff. • Links individuals with technology, education, and resources as part of the workplace reasonable accommodation process.

Resource Center for Persons with Disabilities (RCPD)	<ul style="list-style-type: none"> • Leads MSU in maximizing ability and opportunity for full participation by qualified individuals with disabilities. • Assesses and documents disabilities, as well as academic and workplace needs. • Builds and facilitates individual plans for reasonable accommodations for students. • Links students with technology, education, and resources as part of the reasonable accommodation process. • Partners with OER concerning reasonable accommodations for faculty and staff.
Office of Institutional Equity (OIE)	<ul style="list-style-type: none"> • Reviews and investigates complaints, concerns and grievances related to discrimination and harassment based on disability status and failure to accommodate. • Determines findings and, in appropriate cases, makes recommendations to the appropriate college, unit or departments.
Colleges, Units, or Departments	<ul style="list-style-type: none"> • Ensures that the work environment, programs, course instruction, and events, are accessible. • Implements reasonable workplace accommodations as set forth in a SEAD.
Instructors	<ul style="list-style-type: none"> • Provide referrals to RCPD as necessary. • Responsible for ensuring that course instruction and materials are accessible. • Provide information to RCPD as requested. • Implement accommodations granted by RCPD as documented on the VISA or VISTA form. • Discuss challenges or concerns after implementation.
Students	<ul style="list-style-type: none"> • Initiate and actively participate in the accommodation process. • Provide appropriate documentation to RCPD. • Provide faculty with VISA or VISTA. • Meet with instructors to discuss implementation of accommodations. • Contact RCPD if granted accommodation is not meeting needs.

<p>Employees</p>	<ul style="list-style-type: none"> • Initiate and actively participate in the accommodation process. • Provide appropriate documentation to RCPD and OER. • Meet with supervisor and discuss the implementation of the SEAD form. • Contact RCPD and OER if granted accommodation is not meeting needs.
<p>Supervisors</p>	<ul style="list-style-type: none"> • Actively participate in the accommodation process. • Provide referrals to RCPD as necessary. • Provide information to RCPD and OER as requested. • Meet with employee to discuss and implement the SEAD form. • Discuss challenges or concerns throughout the accommodation process. • Implement reasonable workplace accommodations as set forth in a SEAD.

Reasonable Accommodation Procedures for Applicants and Employees

RCPD assists employees and job applicants by maximizing ability and opportunity for full participation at MSU. Employees who request an accommodation from their supervisor/unit, should be referred to RCPD or the [RCPD web site](#). Following are the reasonable accommodation procedures for applicants and employees.

1. Employees and applicants for employment requiring an accommodation must register as a person with a disability with [RCPD via secure/confidential web registration](#); and make a written request for an accommodation with RCPD.
2. Employees and applicants for employment must provide RCPD with medical documentation of the disability. RCPD offers [guidelines and fillable forms](#) to facilitate collection of the necessary medical documentation from health professionals. RCPD may ask for additional medical documentation of the disability and of the need for an accommodation, at any time.

After an employee/applicant self-identifies as a person with a disability and provides the required medical documentation, RCPD determines whether the individual has a qualifying disability.

As necessary, RCPD may assist in identifying or securing resources for agreed-upon accommodations. The unit is ultimately responsible for the cost of agreed-upon

accommodations. Significant cost to a unit may be discussed with the Provost or Executive Vice President for Administration.

RCPD will promptly communicate with OER concerning any case in which RCPD determines a disability, as defined by law and University policy, is present. OER will then promptly begin the accommodations process.

3. OER will communicate with the supervisor/unit administrator to discuss:
 - Possible accommodations;
 - The essential job functions of the position;
 - The employee's ability to perform essential job functions with or without a reasonable accommodation; and
 - Possible reasonable accommodations, if any that may be needed.

What constitutes a reasonable accommodation will vary depending on the circumstances of each case. In evaluating alternatives for accommodations, the preferences of the individual are considered, but the ultimate decision regarding the type of accommodation if any, is made by OER. All relevant factors will be considered, including the following:

- Whether an accommodation is needed
- If needed, whether an accommodation would be effective, and
- If effective, whether the accommodation is reasonable and whether providing the accommodation would impose an undue hardship.

Medical documentation as well as other related materials, will be maintained by RCPD and OER. Medical documentation is kept confidential, except as necessary to administer the accommodation process. Accordingly, medical documentation may be shared only with those individuals directly involved in the accommodation process on an as-needed basis.

When an accommodation is granted, OER issues the SEAD. Supervisors are responsible for maintaining confidentiality of the SEAD and for facilitating the granted accommodations outlined in it. The SEAD should be held in a confidential place separate from the employee's personnel file.

4. If there are circumstances in which an accommodation needs to be revisited, the SEAD may be re-opened and possibly amended by OER.

Reasonable Accommodation Procedures for Prospective and Current Students

RCPD assists current and prospective students by maximizing ability and opportunity for full participation at MSU. Current students, who request an accommodation from their instructor,

should be referred to RCPD or the [RCPD web site](#). Following are the reasonable accommodation procedures for current or prospective students.

1. Prospective and current MSU students needing an accommodation are required to self-identify as a person with a disability with [RCPD via secure/confidential web registration](#); and make a written request for an accommodation with RCPD. Once sufficient documentation is received, an Ability Access Specialist will contact the student to set up a needs assessment to fully discuss accommodation requests.
2. Prospective and current MSU students must provide RCPD with medical documentation of the disability. Upon receipt of a request to register from MyProfile, an Ability Access Specialist will contact the student through their MSU email account to request documentation of their disability. RCPD offers [guidelines and fillable forms](#) to facilitate collection of necessary medical documentation from health professionals. At any time during the accommodation request process, RCPD may ask for additional medical documentation of the disability and of the need for an accommodation; and
3. After documentation of a disability has been provided and a needs assessment completed, reasonable accommodations are determined. What constitutes a reasonable accommodation will vary depending on the circumstances of each case. In evaluating alternatives for accommodation, the preferences of the individual are considered, but the ultimate decision regarding what type of accommodation, if any, will be provided is made by RCPD.
4. Academic requirements may be adjusted, as necessary, to ensure that they do not discriminate against qualified individuals with disabilities. Academic adjustments may be required unless they are essential to the program of instruction being pursued, or to any directly related licensing requirement. Academic adjustments may include, but are not limited to:
 - Changes in the length of time permitted for the completion of degree requirements;
 - Substitution of specific courses required for the completion of degree requirements; and
 - Adaptation in the manner in which specific courses are conducted.
5. MSU takes steps that are necessary to ensure that qualified individuals with disabilities are not denied the benefits of, excluded from participation in, or otherwise subjected to discrimination in educational programs or activities because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills. Auxiliary aids may include, but are not limited to the following:
 - Audio, large print or Braille texts aiding those with print-related disabilities including visual, learning or hand dexterity challenges

- Interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments
- Scribes and/or qualified readers that make learning environments accessible

MSU is not required, however, to provide attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

6. When an accommodation is granted, RCPD provides students with a VISA/VISTA.
7. Students are responsible for providing the VISA/VISTA to faculty, ideally prior to or during the first week of class or as soon as possible. They should also maintain proactive dialog with faculty including prior to exams, projects and semester assignments where accommodations are needed.
8. Faculty are responsible for maintaining confidentiality and for facilitating accommodations or adjustments outlined on the VISA/VISTA. Faculty should direct any questions about the VISA/VISTA or the implementation of the proscribed accommodation to RCPD.

Other University Accommodation Procedures

A. HOUSING ACCOMMODATIONS

MSU offers a variety of on-campus living facilities. Most housing facilities offer units that meet the needs of students with disabilities. These units are integrated into the general housing complexes to more fully include students with disabilities in mainstream campus life.

To request housing accommodations, students and employees who are required to live in University provided housing should register with RCPD. An Ability Access Specialist will facilitate housing accommodations or assist with dietary concerns. For more information, visit the [Residence Education and Housing Services website](#). Students with dietary concerns will find a range of opportunities in the MSU culinary system via [MSU Eat at State](#).

Individuals interested in accessible housing options off-campus may contact the [Disability Network Capital Area](#) to inquire about housing resources in the community.

B. PHYSICAL EDUCATION AND ATHLETICS

MSU does not discriminate on the basis of disability in physical activity courses, athletics, and intramural and recreational program opportunities. Qualified individuals with disabilities should be provided equal opportunity to participate in physical education courses, intercollegiate and intramural athletics, or recreational opportunities.

C. COMMENCEMENT ACCOMMODATIONS

Commencement shall be accessible to all students and members of the public. Students and visitors requiring accommodations for commencement can find additional information at the [Commencement website](#). Additional information can be obtained by calling (517) 353-3993 or emailing: commencement@msu.edu.

Confidentiality

Any records or information obtained by the University as part of the accommodation process that reflect diagnosis, evaluation, or treatment of an employee's medical condition are kept confidential. Such records will be shared only with those University employees who have a need to know and will not be released except as required by law.

Appeal and Grievance Procedures

A. APPEALS OF DISABILITY AND ACCOMMODATION DETERMINATIONS

Current and prospective students, employees, instructors and supervisors who disagree with a disability determination or the decision to grant or deny an accommodation may discuss the decision informally with their Ability Access Specialist, request reconsideration by the Director of RCPD, or appeal a final determination to the ADA/Section 504 Coordinator.

B. Informal Discussions and Requests for RCPD Reconsideration

Current and prospective students, employees, instructors and supervisors who disagree with a disability determination or the decision to grant or deny an accommodation may discuss the decision informally with their Ability Access Specialist.

If a discussion with the Ability Access Specialist does not resolve the situation, concerns about service quality or a request that RCPD reconsider its disability and/or accommodation determination may be submitted to Michael Hudson, Director of the RCPD.

The Director of RCPD will gather details from each person involved in the situation, meet individually or as a group with those involved, and ultimately seek a resolution or provide an official office position on the disagreement. The [RCPD Dispute Summary form](#) should be used to provide a clear description of the factors related to the disagreement.

Requests for RCPD to reconsider its disability/accommodation determination are not required before filing an appeal with the University's ADA/Section 504 Coordinator.

C. Appeals to the ADA/Section 504 Coordinator

Appeals of an OER or RCPD decision must be filed with the ADA/Section 504 Coordinator within **30 calendar days of the party's notification of the decision.**¹ Either party (student/employee or department/unit/instructor/supervisor) may file an appeal. MSU's ADA/Section 504 Coordinator or designee will gather and review information from the student, employee, instructor, supervisor, RCPD and OER. The ADA/Section 504 Coordinator or designee may meet individually or as a group with those involved if needed before issuing the University's final determination.

To file an appeal, complete the [Reasonable Accommodation Appeal Form](#), and submit it to:

The ADA/Section 504 Coordinator
Office for Civil Rights
Olds Hall, Suite 105
East Lansing, MI 48824
Phone: (517) 355-3960
Email: ocie@msu.edu

An individual's right to prompt, fair consideration of an appeal of the final disability determination to grant or deny an accommodation, will not be affected by the individual's pursuit of other remedies such as the filing of a charge with a federal or state department or agency. Use of this procedure is not necessary in order to pursue other remedies.

D. GRIEVANCE PROCEDURES FOR STUDENTS AND EMPLOYEES

MSU's Anti-Discrimination Policy prohibits discrimination against qualified individuals with disabilities with respect to the benefits of and access to programs, services, and activities. Any person who believes he or she has been improperly denied the benefit of, or access to a program, service, or activity may submit a claim.

Employee and student grievances will be addressed as set forth in the [Anti-Discrimination Policy User's Manual](#).

To file any ADA or Section 504 grievance, please contact:

The ADA/Section 504 Coordinator
Office for Civil Rights
Olds Hall, Suite 105
East Lansing, MI 48824
Phone: (517) 355-3960
Email: ocie@msu.edu

¹ The ADA/Section 504 Coordinator may extend this timeline for good cause.

E. GRIEVANCE PROCEDURE FOR MEMBERS OF THE PUBLIC

Members of the public are governed by the following grievance procedure:

A grievance must be submitted within 30 days after the grievant becomes aware of the matter giving rise to the alleged violation. The grievance must be filed with:

The ADA/Section 504 Coordinator
Office for Civil Rights
Olds Hall, Suite 105
East Lansing, MI 48824
(517) 355-3960
ocie@msu.edu

In responding to the grievance, the ADA/Section 504 Coordinator will:

- Review the grievance and gather pertinent information.
- Confer with the management employee who is directly responsible for the service, program, or activity that is at issue. The management employee shall be deemed the University's "designated decision maker." The designated decision maker shall review the matter and shall inform the ADA/Section 504 Coordinator whether the grievance is valid, the reason(s) for the decision, and any remedial steps to be taken.
- A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the ADA/Section 504 Coordinator and a copy shall be forwarded to the complainant no later than 14 business days after its filing. In the event a complex issue arises that requires additional review, the response time may be extended beyond 14 days.
- Maintain the files and records relating to grievances for a period of three years.

A grievant's right to a prompt, fair consideration of their grievance will not be affected by the person's pursuit of other remedies such as the filing of an ADA/Section 504 grievance with the responsible federal department or agency, or the Michigan Department of Civil Rights. Use of this procedure is not necessary in order to pursue other remedies.

Retaliation

MSU will not tolerate retaliation against a community member because they made a good faith claim of discrimination or harassment or because they participated in an investigation of such a claim. Individuals who feel that they have experienced retaliation should follow OIE's complaint procedures as set forth in the [Anti-Discrimination Policy User's Manual](#).

Resources & Contacts

<p>RESOURCE CENTER FOR PERSONS WITH DISABILITIES</p>	<p>Resource Center for Persons with Disabilities Michael Hudson, Director 120 Bessey Hall East Lansing, MI 48824 (517) 884-7273 (4-RCPD) www.rcpd.msu.edu</p>
<p>OFFICE OF EMPLOYEE RELATIONS</p>	<p>Office of Employee Relations 1407 S. Harrison Suite 240 Nisbet Building East Lansing, MI 48823 (517) 353-5510 Hr.Er@campusad.msu.edu</p>
<p>OFFICE OF INSTITUTIONAL EQUITY</p>	<p>Office of Institutional Equity 4 Olds Hall East Lansing, MI 48824 (517) 353-3922 oiie@msu.edu www.oiie.msu.edu</p>
<p>ADA COORDINATOR</p>	<p>Tracy A. Leahy Office for Civil Rights and Title IX 105 Olds Hall East Lansing, MI 48824 (517) 355-3960 OCR.tracyleahy@msu.edu www.civilrights.msu.edu</p>