

# Michigan State University

## Disability and Reasonable Accommodation Policy

### 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](#) 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 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 RCPD.
- Requested accommodations are marked as one of the following: granted, granted with modification, or denied. Determination comments and dates are provided by the RCPD specialist to further explain the outcome
- The employee and the RCPD specialist are named in the SEAD to provide linkages should supervisors need clarification or desire further communications with RCPD.

A Sample SEAD can be found at <https://www.rcpd.msu.edu/services/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.

A sample VISA can be found at <https://www.rcpd.msu.edu/services/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.

## Relevant MSU Policies

### MSU ANTI-DISCRIMINATION POLICY

The University Anti-Discrimination Policy (ADP) prohibits disability discrimination and harassment (and other protected categories as set forth above) 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 to a qualified individual with a disability, except when such accommodation would cause an undue hardship.

MSU's Anti-Discrimination Policy can be accessed at: <http://oie.msu.edu/policies-procedures-forms/index.html>.

#### 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. The University strives to employ principles of Universal Design and uses the Web Accessibility Technical Guidelines (WA Technical Guidelines) and standards 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 Content and Accessibility team leads web accessibility initiatives and implementation at MSU. The MSU IT Digital Content & Accessibility team provides resources and tutorials for accessible web development, course and content development, and reviews and evaluations of technology products and software for the MSU community. More information regarding MSU's Web Accessibility Policy and training programs can be found at [http://webaccess.msu.edu/Policy and Guidelines/index.html](http://webaccess.msu.edu/Policy_and_Guidelines/index.html).

#### 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. More information regarding MSU's Service and Assistance Animal Policy can be found at <https://www.rcpd.msu.edu/services/serviceanimal>.

#### 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 Coordinator, Jessica Norris, 408 West Circle Drive, Suite 5, East Lansing, MI 48824 (517) 353-3922 or at [jnorriss@pres.msu.edu](mailto:jnorriss@pres.msu.edu).

A form for submitting accessibility suggestions and/or reporting potential facility accessibility concerns can be found at:

<https://opb.msu.edu/functions/facilities/accessibility/spaceaccess/index.html>.

## Roles and Responsibilities

<p><b>Resource Center for Persons with Disabilities (RCPD)</b></p>	<ul style="list-style-type: none"> <li>• Lead MSU in maximizing ability and opportunity for full participation by qualified individuals with disabilities.</li> <li>• Assess and document disabilities, academic and workplace needs.</li> <li>• Build and facilitate individual plans for reasonable accommodations for students, faculty, and staff.</li> <li>• Link individuals with technology, education, and resources.</li> <li>• Extend independence through auxiliary aids, disability-related information, and self-advocacy.</li> <li>• All RCPD staff are mandatory reporters and are required by university policy to report incidents of relationship violence and sexual misconduct to the Office of Institutional Equity and MSU Police.</li> </ul>
<p><b>ADA Coordinator/ Deputy ADA Coordinator for Grievances</b></p>	<ul style="list-style-type: none"> <li>• Individual designated to coordinate compliance with the ADA, Section 504 of the Rehabilitation Act, and Michigan’s Persons with Disabilities Act.</li> <li>• Consults with units and individuals regarding accommodation and access concerns.</li> <li>• Reviews appeals of RCPD decisions from individuals and department/supervisors/faculty.</li> <li>• Provides training and information on the provision of equal opportunity for persons with disabilities.</li> </ul>
<p><b>Office of Institutional Equity (OIE)</b></p>	<ul style="list-style-type: none"> <li>• Review and investigate complaints, concerns and grievances related to discrimination and harassment based on disability status and failure to accommodate.</li> <li>• Determine findings and make recommendations to the appropriate college, unit or departments.</li> </ul>

<b>Colleges, Units, or Departments</b>	Colleges, departments, units, and affiliated entities are responsible for ensuring that the work environment, programs, course instruction, and events, are accessible.
<b>Instructors</b>	<ul style="list-style-type: none"> <li>• Provide referrals to RCPD as necessary.</li> <li>• Responsible for ensuring that course instruction and materials are accessible.</li> <li>• Provide information to RCPD as requested.</li> <li>• Implementing accommodations granted by RCPD as documented on the VISA or VISTA form.</li> <li>• Discuss challenges or concerns after implementation.</li> </ul>
<b>Students</b>	<ul style="list-style-type: none"> <li>• Initiate and actively participate in the accommodation process.</li> <li>• Provide appropriate documentation to RCPD.</li> <li>• Provide faculty with VISA or VISTA.</li> <li>• Meet with instructors to discuss implementation of accommodations.</li> <li>• Contact RCPD if granted accommodation is not meeting needs.</li> </ul>
<b>Employees</b>	<ul style="list-style-type: none"> <li>• Initiate and actively participate in the accommodation process.</li> <li>• Provide appropriate documentation to RCPD.</li> <li>• Submit written accommodation requests.</li> <li>• Meet with supervisor and discuss the implementation of the SEAD form.</li> <li>• Contact RCPD if granted accommodation is not meeting needs.</li> </ul>
<b>Supervisors</b>	<ul style="list-style-type: none"> <li>• Provide referrals to RCPD as necessary.</li> <li>• Provide information to RCPD as requested.</li> <li>• Meet with employee to discuss and implement the SEAD form.</li> <li>• Discuss challenges or concerns after implementation.</li> </ul>

## 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 at <http://www.rcpd.msu.edu/>. Following are the reasonable accommodation procedures for applicants and employees.

1. Employees/applicants needing an accommodation are required to self-identify as a person with a disability with RCPD via secure/confidential web registration at <https://myprofile.rcpd.msu.edu>; and make a written request for an accommodation with RCPD. Once sufficient documentation is received, an RCPD specialist will contact the employee to set up a needs assessment to fully discuss accommodation requests.
2. Employees/applicants must provide RCPD with medical documentation of the disability. RCPD offers guidelines and fillable forms at: <https://www.rcpd.msu.edu/services/documentation> to facilitate collection of the 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.
3. Employees/applicants must make a written request for an accommodation with RCPD.
4. 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. If so, RCPD determines:
  - Whether an accommodation is needed
  - If needed, whether the accommodation would be effective, and
  - If effective, whether the accommodation is reasonable and whether providing the accommodation would impose an undue hardship.

As necessary, RCPD may assist in identifying or securing resources for agreed-upon accommodations.

5. RCPD will communicate with the supervisor/unit administrator to discuss possible accommodations and assess the effectiveness each would have in enabling the employee to perform essential job functions. During that process, the following issues will be addressed:
  - 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 RCPD.

Medical documentation as well as other related materials, will be maintained by RCPD. 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.

6. When an accommodation is granted, RCPD 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.

## 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 at <http://www.rcpd.msu.edu/>. 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 at <https://myprofile.rcpd.msu.edu>; and make a written request for an accommodation with RCPD. Once sufficient documentation is received, an RCPD 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 RCPD Ability Access Specialist will contact the student through their MSU email account to request documentation of their disability. RCPD offers guidelines and fillable forms at <https://www.rcpd.msu.edu/services/documentation> 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 the 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 Accommodations

### 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 should register with RCPD. An RCPD specialist will facilitate housing accommodations or assist with dietary concerns. For more information, visit the Residence Education and Housing Services website at: <http://liveon.msu.edu/>. Students with dietary concerns will find a range of opportunities in the MSU culinary system via MSU Eat at State accessed at: <https://eatatstate.com/>.

Individuals interested in accessible housing options off-campus may contact the Disability Network Capital Area to inquire about housing resources in the community. For more information visit: <http://www.dncap.org/>.

### 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 students 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 <http://commencement.msu.edu/accommodations>. Additional information can be obtained by calling (517) 353-3993 or emailing: [commencement@msu.edu](mailto:commencement@msu.edu).

## Appeal and Grievance Procedures

### A. APPEALS OF RCPD DISABILITY AND ACCOMMODATION DETERMINATIONS

Current and prospective students, employees, instructors and supervisors who disagree with RCPD's disability determination or the decision to grant or deny an accommodation may appeal the decision to the Director of the RCPD and/or the Office of the ADA Coordinator.

### B. Appeal to the Director of RCPD

Individuals may appeal the RCPD decision by requesting that the Director of RCPD review and reconsider the disability and/or accommodation determination. **Appeals to the Director of RCPD must be filed within 14 calendar days of the RCPD determination.** The Director will gather and review information provided by the appellant and RCPD. The Director may meet individually or

as a group with those involved, and ultimately seek a resolution or provide RCPD's final determination.

Individuals may file an appeal as described at: <https://www.rcpd.msu.edu/awareness/dispute>

NOTE: Individuals are not required to request that RCPD reconsider its disability/accommodation determination in order to file an appeal with the University's ADA Coordinator.

### **C. Appeal to the Office of the ADA Coordinator**

Appeals to the Office of the ADA Coordinator must be filed within **30 calendar days of RCPD's final disability determination or denial of a requested accommodation**. MSU's ADA Coordinator/Deputy ADA Coordinator or designee will gather and review information from the appellant and RCPD. The ADA Coordinator/Deputy ADA Coordinator or designee may meet individually or as a group with those involved if needed before issuing the University's final determination. Potential outcomes include upholding the RCPD decision, overturning the RCPD decision, and remanding the matter back to RCPD for clarification or modification.

To file an appeal, complete the appeal form found online at [www.oie.msu.edu](http://www.oie.msu.edu) and submit to:

The Office of the ADA Coordinator  
Office of Institutional Equity  
4 Olds Hall  
East Lansing, MI 48824  
Phone: (517) 353-3922  
Email: [oie@msu.edu](mailto:oie@msu.edu)

An individual's right to prompt, fair consideration of an appeal of RCPD's final disability determination or decision 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 the University's internal 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 grievance.

Employee and student grievances shall be addressed per the OIE Complaint Procedures, or applicable collective bargaining procedures, as appropriate. The OIE Complaint Procedures can be accessed at: <http://oie.msu.edu/policies-procedures-forms/index.html>.

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

The Office of the ADA Coordinator  
Office of Institutional Equity  
4 Olds Hall  
East Lansing, MI 48824  
Phone: (517) 353-3922  
Email: [oiie@msu.edu](mailto:oiie@msu.edu)

**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 Office of the ADA Coordinator  
Office of Institutional Equity  
4 Olds Hall  
East Lansing, MI 48824  
(517) 353-3922  
[oiie@msu.edu](mailto:oiie@msu.edu)

In responding to the grievance, the Office of the ADA Coordinator will:

- Review the grievance and gather pertinent information. All interested persons will be afforded an opportunity to submit relevant information.
- Confer with legal counsel and 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 state, in writing, whether the grievance is valid, the reason(s) for the decision, and any remedial steps to be taken.
- Promptly send the grievant a copy of the statement. Within 21 days after the designated decision maker's statement is sent to the grievant, the grievant may request of the Office of the ADA Coordinator, in writing, that the matter be reviewed further. The Office of the ADA Coordinator shall direct a timely request for further review to the administrator who has supervisory authority over the designated decision maker. The supervisory administrator shall determine whether further information is needed, review the matter, and issue a final written statement.
- Promptly send the grievant a copy of the final written statement.

- Maintain the files and records relating to grievances for a period of three years.

A grievant's right to a prompt, fair consideration of his or her grievance will not be affected by the person's pursuit of other remedies such as the filing of an ADA or Section 504 grievance with the responsible federal department or agency, or the Michigan Department of Civil Rights. Use of the University's internal 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 have participated in an investigation of such a claim. Individuals who feel that they have experienced retaliation should follow OIE's complaint procedures at:

<http://oie.msu.edu/policies-procedures-forms/documents/OIE%20complaint%20procedures%2015.12.29.pdf>.

## Resources & Contacts

<p><b>RESOURCE CENTER FOR PERSONS WITH DISABILITIES</b></p>	<p>Resource Center for Persons with Disabilities  Michael Hudson, Director  120 Bessey Hall  East Lansing, MI 48824  (517) 884-7273 (4-RCPD)  <a href="http://www.rcpd.msu.edu">www.rcpd.msu.edu</a></p>
<p><b>OFFICE OF INSTITUTIONAL EQUITY</b></p>	<p>Office of Institutional Equity  4 Olds Hall  East Lansing, MI 48824  (517) 353-3922  <a href="mailto:oie@msu.edu">oie@msu.edu</a>  <a href="http://www.oie.msu.edu">www.oie.msu.edu</a></p>
<p><b>ADA COORDINATOR</b></p>	<p>Jessica Norris  4 Olds Hall  East Lansing, MI 48824  (517) 353-3922  <a href="mailto:oie@msu.edu">oie@msu.edu</a>  <a href="http://www.oie.msu.edu">www.oie.msu.edu</a></p>