



UNIVERSITY OF GUAM  
UNIBETSEDAT GUAHAN  
BOARD OF REGENTS

RESOLUTION NO. 10-11

**RELATIVE TO ADOPTING A REVISED UNIVERSITY OF GUAM POLICY AND  
PROCEDURE FOR STUDENTS AND APPLICANTS WITH A DISABILITY**

**WHEREAS**, pursuant to 17 GCA § 16104, the Board of Regents is authorized to adopt policies and procedures to ensure access to University courses, programs and services for students and applicants with a disability; and

**WHEREAS**, the University is mandated by federal law, Section 504 of the Rehabilitation Act of 1973, with its implementing regulations at 34 C.F.R. Part 104, to provide reasonable accommodations to students and applicants with a disability; and

**WHEREAS**, Board of Regents Resolution No. 04-32 adopted a revised University of Guam Policy and Procedure for Students and Applicants With a Disability on October 28, 2004;

**WHEREAS**, the University has reviewed, updated and revised its existing policy and procedure for students and applicants with a disability to ensure best practices, simplification and clarity of the policy and procedure; and

**WHEREAS**, the updated and revised policy was provided to the Administrative Council, the Student Government Association, and the Center for Excellence in Developmental Disabilities Education, Research and Service for comment; and to the Faculty Union for consultation in accordance with the 2008 BOR-AFT Agreement; and

**WHEREAS**, the Administration recommended the revised University of Guam Policy and Procedure for Students and Applicants With a Disability to the Academic, Personnel and Tenure (AP&T) Committee on April 14, 2010; and

**WHEREAS**, the AP&T Committee has reviewed and discussed the policy, and recommends that the Board adopt the revised Policy and Procedure for Students and Applicants with a Disability.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Regents hereby adopts and approves the revised University of Guam Policy and Procedure for Students and Applicants with a Disability.

Adopted this 22<sup>nd</sup> day of April, 2010.

P. Sonny Ada, Chairman

**ATTESTED:**

Robert A. Underwood, President

UNIVERSITY OF GUAM  
ACADEMIC POLICIES AND REGULATIONS

- 1. Subject: Policy and Procedure for Students and Applicants with a Disability
- 2. Purpose: For revision/update of existing policy
- 3. Attach **Complete Statements** of Requested New Policy/Regulation and old policy/regulation.
- 4. Requested Effective Date: April 22, 2010
- 5. Publication Document (Reference section and/or page number, include current and requested replacement sections):

\_\_\_\_\_  
Year Undergraduate Catalog, p. \_\_\_\_\_

\_\_\_\_\_  
Year Graduate Bulletin, p. \_\_\_\_\_

1000 Rules, Regulations and Procedures Manual

Art. VI §K Specify Article

1004 Other document (specify) Handbook: Policy for Equal Opportunity & Non-Discr/ Non-Harassment and Policy and Procedure for Students & Applicants with a Disability

UNIT	SIGNATURE (use BLUE pen please)	DATE
Originating Organizational Unit/AAC	<u>Victoria Francis, OFS OF LEGAL COUNSEL</u>	<u>4/21/10</u>
Appropriate Dean/Administrator:	<u>N/A</u>	
Academic/Admin Committee	<u>Kelly Sr BOR</u>	<u>4/22/10</u>
Faculty <sup>Union</sup> Senate (if applicable)	<u>Donald L. Platt</u>	<u>4/21/10</u>
Administrative Council (if applicable)	<u>[Signature]</u>	<u>4/21/10</u>

APPROVED/DISAPPROVED:

[Signature]  
\_\_\_\_\_  
SENIOR VICE PRESIDENT,  
Academic and Student Affairs  
(for all academic and curricular matters)

4/21/10  
DATE

<u>[Signature]</u> _____ President (when applicable)	<u>4/22/10</u> Date
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<u>[Signature]</u> _____ Board of Regents Approval (if required, for University-wide policy statements)	<u>4/22/10</u> Date
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**K. Policy and Procedure for Students and Applicants with a Disability (BOR Resolution No. 04-32, October 28, 2004, superseded by BOR Resolution No. 10-11, April 22, 2010)**

**General Policy:** In accordance with the Americans with Disabilities Act (ADA) of 1990 and the Rehabilitation Act of 1973, the University does not discriminate against students and applicants on the basis of disability in the administration of its educational and other programs. The University will reasonably accommodate individuals with disabilities, as defined by applicable law, if the individual is otherwise qualified to meet the fundamental requirements and aspects of the program of the University, without undue hardship to the University. Harassment on the basis of disability issues is prohibited.

**Policy Regarding Reasonable Accommodation:** The University offers reasonable accommodations for a student or applicant who is otherwise qualified, if the accommodation is reasonable, effective and will not alter a fundamental aspect of a University program, nor will otherwise impose an undue hardship on the University, and/or there are not equivalent alternatives. Students are expected to make timely requests for accommodation, using the procedure below. If appropriate, the University may choose to consult with such individuals, at or outside the University, to provide expertise needed to evaluate the request for accommodation.

**Definitions:**

Individual with a disability is a person who: (a) has a physical or mental impairment which substantially limits one or more major life activities (such as walking, seeing, speaking, learning, or working); or (b) has a record with the University by which the University has in fact recognized the student as having such impairment.

Qualified student or applicant is an individual with a disability as defined by this policy and applicable law, who meets the academic and technical standards requisite to admission and participation in the educational program or activity of the University.

Accommodations are such reasonable learning aids (not personal equipment or personal attendants), assistance measures and limited modifications to the course, program or educational services, as are necessary and effective for the individual, which do not alter a fundamental element of a University course, program or service. Accommodations do not include exemption from academic evaluation standards or from behavior standards including those of the student code of conduct. To be eligible to continue at the University, the student or applicant must meet the qualifications and requirements expected generally of its students, and must also be able to perform the requirements of the individual major or program in which s/he is enrolled or intends to enroll, either with or without reasonable accommodation.

Note: In the event that a request for reasonable accommodation is denied, the University may occasionally choose to afford the student some temporary measure or flexibility, which is not based on the asserted disability issue, but which otherwise is considered

appropriate, if it does not alter a fundamental element of the course, program or service and is not viewed by the University as inequitable toward other students. In such few cases, such temporary measure or flexibility will not be a precedent, nor will be it a reasonable accommodation, and the student thereby will not be regarded as an individual with a disability.

**General Procedure for Seeking Accommodations:** A student or applicant who requires an accommodation, aid or assistance measure (hereinafter called "accommodations"), whether for academic or other uses at the University, and who believes s/he is qualified under the University's policy, should contact the Institutional Compliance Officer, who serves as coordinator of disability accommodations and services (Coordinator). Individuals who may apply to become a student are also encouraged to contact this office to request general information. In addition, visitors to the campus who request access information for individuals with disabilities should contact the EEO/ADA Office at 735-2244/2971 or 735-2243 (TTY).

**Process to Request Accommodation:** A student or applicant who seeks an accommodation should first contact the Coordinator. Students must meet with the Coordinator to identify needs and discuss accommodations. University request forms for accommodation will be provided. Documentation is necessary to establish a disability and the need for accommodations. Students must provide documentation that supports their disability and their requested accommodations. Faculty and staff members who receive student-initiated inquiries or requests regarding accommodations should promptly refer those students to the Coordinator.

Students who seek academic accommodations are expected to contact the Coordinator well in advance of the commencement of the course(s), and to provide the requested supporting information to the Coordinator at least four weeks before classes begin.

*Late requests for accommodations may cause a delay in the requested accommodation or services.*

**Determination of Accommodation Requests and Right to Obtain Further Review:** Provided that all requested forms and information are submitted by the student in a timely fashion, the Coordinator will respond, in writing, to the request for accommodation and will do so in a manner consistent with this policy. Academic accommodation determinations shall be made only after consultation with the appropriate dean and faculty member and with the approval of the Coordinator. Faculty and administrators are not authorized to provide accommodations related to a specific disability without prior approval from the Coordinator. Arrangements for accommodations are made on an individual basis and are designed to equalize access to educational opportunities.

Where the accommodation is for an in-class notetaker, the Coordinator will identify the person who will serve as the notetaker and will make the compensation arrangements with the notetaker.

In the event there is a delay by the student in providing requested forms and information, the University may occasionally choose to afford the student some temporary measure or flexibility, which is not based on the asserted disability issue, but which otherwise is considered appropriate, if it does not alter a fundamental element of the program and is not viewed by the University as inequitable toward other students. In such few cases, such temporary measure or flexibility will not be a precedent, nor will it be a reasonable accommodation, and the student thereby will not be regarded as an individual with a disability. The temporary measure will be provided for one semester. If the student fails to provide the requested forms and information by the end of the semester, the temporary measure will not be provided the following semester.

If the student agrees with the response, the faculty and staff members who will be involved in providing or facilitating the accommodation will be informed of the accommodation in writing, but the Coordinator will not provide confidential, personal medical or health-related information, unless such information is appropriate in order to allow them to assist in implementing the accommodation. The records of the Coordinator are confidential and private.

If the student disagrees with the determination made by the Coordinator, the student may request review by the Accommodations Evaluation Committee (AEC), by presenting in a timely manner a written request, transmitted to AEC through the Coordinator. The Coordinator will provide the relevant information to the AEC which, after consulting with the student, will notify the student and the Coordinator in writing of the final determination. The AEC presently consists of the Executive Assistant to the President, the Senior Vice President for Academic and Student Affairs, and the Dean of Enrollment Management and Student Services. The decision of the AEC is final.

**Responsibility of Student:** Each student bears the responsibility for initiating and then documenting a disability-related request for accommodation in the manner requested in this policy. The available forms should be used and the student must provide documentation to the Coordinator to support the request. Documentation from the appropriate health care professional should reflect the nature of and present level of disability, how the disability affects the student's needs in a collegiate setting, and how the requested accommodation will resolve the needs. The Coordinator has discretion to determine what type of professional documentation is necessary, and this may vary depending on the nature of the disability and/or accommodation.

Students must renew their accommodation requests each semester by meeting with the Coordinator. Students should arrange an individual appointment with their professors to discuss their accommodation needs during the first week of the semester. Students should schedule an appointment with the Coordinator if they need to modify their accommodation requests; if they are experiencing academic difficulties; or if they have questions or need advice.

**Harassment:** Disability-based harassment is prohibited by the policy for Equal Employment Opportunity and Non-Discrimination/Non-Harassment, a copy of which is

on the University website. All complaints of such harassment should be presented using that policy and in the event of any questions, please contact the Institutional Compliance Officer at 735-2244/2971 or 735-2243 (TTY).