

BCM Policies and Procedures

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23.1.07 - Accommodations for Learners and Program Applicants with Disabilities

Students & Learners: Student Services

Date: 06/22/2015

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Applies to: Faculty, Staff, Residents & Clinical Postdoctoral Fellows, Postdoctoral Fellows, Students

I. Rationale

Baylor College of Medicine is committed to providing equal educational access for qualified Learners with disabilities in accordance with state and federal laws including the Americans with Disabilities Act of 1990, as amended in 2008, and Section 504 of the Rehabilitation Act of 1973. To effectuate equal access for Learners with disabilities, this policy formalizes procedures for requesting reasonable accommodations, defines parameters for consideration of such requests, and outlines procedures for requesting reconsideration of recommended accommodations.

II. Stakeholders Affected by this Policy

This policy applies to all Baylor College of Medicine Learners, faculty and staff responsible for implementing and managing educational program technical requirements for admission, promotion, and/or graduation in accordance with applicable state and federal laws, regulations, and accreditation standards. Depending on the nature of the issues, including the limitations and accommodations requested, resident and fellow physicians, research postdoctoral trainees, and clinical postdoctoral fellows may be covered under this policy, or may have rights and benefits under other policies relevant to their role (see [Section III.f](#), below). Individuals in these categories who have questions about which policies and programs may apply may contact disability@bcm.edu.

III. Definitions

- (a) **ADA** – the Americans with Disabilities Act of 1990 as amended in 2008 ([42 U.S.C. §§12101-12103; §§ 12181-12189](#)), and its implementing regulations for Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities ([28 C.F.R. Part 36](#)).
- (b) **Auxiliary Aids and Services** – as defined in 42 U.S.C. §12103, Auxiliary Aids and Services includes qualified interpreters (e.g., sign-language) or other effective methods of making aurally delivered materials available to individuals with hearing impairments; qualified readers, taped texts, or other effective methods of making visually delivered materials to individuals with visual impairments; acquisition or modification of equipment or devices; and other similar services and action.
- (c) **BCM** – Baylor College of Medicine.
- (d) **Disability** - as defined in 42 U.S.C. §12102, a physical or mental impairment which substantially limits one or more major life activities, or a record of such impairment.

- (e) **Director of Title IX & Disability Services** – Official within the Office of Diversity, Inclusion and Equity designated by BCM who is responsible for the coordination of requests for student Disability accommodations. The Director is responsible for reviewing requests and making recommendations for reasonable accommodation of BCM Learners and school and program applicants. The Director’s recommendations will adhere to applicable laws and will be reasonable in the context of the technical standards of the Learner’s educational program.
- (f) **Learners**– includes applicants who have received notice of acceptance to a BCM degree-granting program or certificate program, all students currently enrolled in any BCM school and degree-granting program, and other trainees who are invited to complete time-limited learning experiences that are administered by designated BCM departments and that do not require enrollment. Depending on the circumstances, Learners may include individuals engaged in a hybrid employment and learning roles at BCM, such as resident and fellow physicians and clinical and research postdoctoral trainees, and reasonable accommodation of such individuals may be necessary under this policy with respect to assigned learning or training activities or under other BCM policies with respect to assigned work responsibilities (see [Section IX.C](#), 02.2.30 and 02.2.50).

IV. Policy

A. **Essential Eligibility Requirements for BCM Degree and Certificate Programs.**

1. Role of the Faculty. BCM faculty of the Schools of Medicine, Biomedical Sciences, Tropical Medicine, and Health Professions are responsible for establishing and implementing academic and technical standards required for admission to and participation in BCM education programs and program-related activities. BCM faculty rely on applicable accreditation standards set by the Liaison Committee on Medical Education, Southern Association of Colleges and Schools Commission on Colleges, Council on Accreditation of Nurse Anesthesia Educational Programs, Accreditation Review Commission on Education for the Physician Assistant, Accreditation Council for Genetic Counseling, and the National Commission on Prosthetic and Orthotic Education when establishing academic and technical standards for BCM education programs and program-related activities.
2. Academic and Technical Standards. Academic and technical standards include a school or degree program’s specific requirements for admission, participation, promotion, and graduation, as described in school policies and school or program handbooks and applicable conduct policies of the institution (see [Section IX.A-B](#), below), as well as personal attributes and capabilities that are essential to an individual’s eligibility for admission and are consistent with competency standards for an applicable profession. Prospective applicants and current students should consult their school and/or program handbooks and websites for more information on applicable academic and technical standards.
3. Qualified student. After an offer of admission has been accepted, a qualified student with a documented Disability is one who meets the academic and technical standards required for participation in the BCM educational program or activity (as described above), including their program’s specific standards for promotion and graduation, with or without reasonable accommodation.
4. Qualified applicant. A qualified applicant with a documented Disability is one who is able to meet the school or degree program’s academic and technical standards for admission with or without reasonable accommodation.

B. **Reasonable Accommodation of Enrolled Students and Program Applicants.** A reasonable accommodation is a modification or adjustment to a course, program, or activity, or the provision of Auxiliary Aids and Services, that enables a qualified individual with a Disability to have full and equal enjoyment of the education or training program or activity offered by BCM and demonstrate an acceptable level of competency. What constitutes a reasonable accommodation will be determined on a case-by-case basis and include consideration of the individual’s documented disability and the academic and technical requirements of the educational program.

1. Evaluation of Requests. The Director of Title IX and Disability Services (or Designee) will grant requests for accommodations that are reasonable, do not cause a fundamental alteration of the degree program or an undue hardship on the College, and are consistent with the standards of the profession. Requests for modifications to course or program requirements that are essential to completion of graduation competencies, or which relate

directly to licensing requirements, will not generally be regarded as reasonable accommodations.

2. Limitations. Candidates unable to meet eligibility requirements described in [Section IV.A.2](#) (above), with or without reasonable accommodation, cannot be considered qualified individuals with a Disability under Title III of the ADA or Section 504 of the Rehabilitation Act. Consequently, BCM is not required to provide Auxiliary Aids and Services, nor to modify its policies or procedures to effectuate equal access for those unqualified candidates pursuant to applicable laws. The privilege to enroll and remain enrolled in BCM education programs is contingent upon each enrolled student's ability to demonstrate and build upon the skills and competencies required for participation, admission, promotion, and graduation.
3. Confidentiality. BCM strives to comply with the Family Educational Rights and Privacy Act (FERPA), and will safeguard the privacy of any student who makes a Disability accommodation request to the extent possible. The Director of Title IX and Disability Services (or Designee) will share an individual's Disability information with other college administrators when there is a legitimate educational interest in that information, such as may be required to evaluate and/or implement a request for reasonable accommodation. Copies of a student's personal health or medical records will not generally be shared with other College administrators, although sharing of select documents or information may be required to determine what constitutes reasonable accommodation under the circumstances.

C. **Eligibility & Reasonable Accommodation of Trainees.**

1. Eligibility Requirements. Eligibility requirements for these unique learning experiences are established at the department level and are specific and narrowly-tailored to the learning experience offered by the department. Qualified trainees are those who can demonstrate completion of requisite education, training, and/or technical expertise required by the department for participation in the learning experience. The scope of reasonable accommodations available to BCM resident and fellow physicians, postdoctoral trainees, or other trainees under this policy will be determined according to their specific education/training experience at BCM, and may be limited to the provision of Auxiliary Aids and Services that are necessary to ensure effective communication unless other accommodations are also reasonable under the circumstances.
2. Students & Trainees from Other Affiliated Institutions - to the extent that students who are enrolled at, or trainees whose educational experiences are sponsored by, BCM-affiliated institutions and participate in an education program or activity sponsored by BCM which may not require enrollment, those visiting students/trainees may be entitled to reasonable accommodation under this policy while participating in the BCM education program or activity. Visiting students and trainees with a disability should contact disability@bcm.edu for assistance.

D. **Disability Accommodation Requests.** Learners bear the burden of requesting reasonable accommodation, and must produce supporting documentation sufficient to substantiate the Disability-based accommodation request.

1. Qualified Program Applicants - Prospective students may contact the Director of Title IX and Disability Services (or Designee) to initiate a request for reasonable accommodation at any time during the application process. Students who have been offered admission should submit the request for accommodation promptly, before or shortly after accepting the offer of admission, and well in advance of course start date(s). Requests are processed on an ongoing basis; however, delays in implementation may occur based upon the nature of the request (e.g., missing documentation).
2. Qualified Students - Admitted and currently enrolled students are responsible for contacting the Director of Title IX and Disability Services (or Designee) to initiate requests for reasonable accommodation. All requests will be reviewed and evaluated as soon as practicable. When possible, requests should be made well in advance of the start of the course for which accommodation is requested in order to assure implementation by the intended date. Requests received less than 30 days before the course begins will be reviewed in line with other requests, which may delay implementation of any approved accommodation.
3. Qualified Trainees - Trainees are responsible for contacting the Director of Title IX and Disability Services (or Designee) to initiate requests for reasonable accommodation. Requests are processed on an ongoing basis; however, delays in implementation may occur

based upon the nature of the request (e.g., missing documentation). All requests will be reviewed and evaluated as soon as practicable. Accommodation requests from Qualified Trainees that relate to work responsibilities rather than participation in an education program or activity will be referred to the Employee Relations Department in the Office of Human Resources, as provided in the [Accommodations for Employees and Employment Applicants with Disabilities Policy \(02.2.30\)](#).

V. Responsibilities

- A. **Director of Title IX and Disability Services** (or Designee). The Director of Title IX and Disability Services (or Designee) is the designated institutional official responsible for granting and coordinating implementation of reasonable accommodations for qualified prospective, newly admitted, and currently enrolled students and other Learners. Any questions about College compliance with these rules and policies should be directed to the Director of Title IX and Disability Services (or Designee), who is the primary contact for Learner Disability issues and engages personnel to prioritize BCM's compliance with disability non-discrimination and accommodation requirements. Reasonable accommodations are implemented through collaboration with responsible academic program personnel. Other responsibilities of the Director of Title IX and Disability Services (or Designee) include:
1. Determines what documentation is necessary to establish a Learner's disability and its impact on their access to educational opportunities and benefits of enrollment at BCM.
 2. Performs initial review and processing of all requests for reasonable accommodation according to applicable laws, regulations, standards, and College policies,
 3. Triage student reports of alleged Disability harassment or discrimination, and transmit to Human Resources for subsequent investigation;
 4. For reasonable accommodations involving national board examinations or examinations administered external to BCM, submits documentation to the outside entity 90 days prior to the exam date, although timely submission of documentation is ultimately the student's responsibility. Additionally, serves as a resource and assists students and academic advisors by providing instructions and timelines for the licensure application process.
 5. Determines the need for a second professional opinion concerning the nature or severity of a student's requested Disability accommodation. If the total cost of obtaining a second opinion exceeds student insurance coverage, BCM will assume responsibility for the balance.
 6. Generates an annual report containing accommodation requests, approvals, denials, grievances and resolutions for submission to the Office of the Provost.
 7. In addition to academic issues, coordinate non-academic issues with other entities (i.e., TMC Parking) including access to facilities and non-academic events.
- B. **Office of Student Services**. The Office of Student Services is the primary responsible office for policy implementation, but relies on the Offices of Compliance to investigate allegations of noncompliance with this policy, and on the Office of Human Resources to implement disciplinary action in accordance with the [Progressive Discipline Policy \(02.5.18\)](#).

VI. Procedures for Implementation and Review

Refer to [Accommodation Procedures for Learners and Program Applicants with Disabilities \(23.3.10\)](#) for information about how the Office of Title IX and Disability Services determines and implements reasonable accommodations. This policy shall be reviewed and revised as necessary, but at least every 3 years, or more frequently based on changes to applicable law or needs identified by senior leadership.

VII. Stakeholder Compliance

- A. **Learner Responsibilities**. Qualified Learners must provide timely, relevant, and complete written documentation of a Disability for which accommodation is requested. Learners must also submit timely requests for reasonable accommodation, and when possible the request should occur no less

than 30 business days prior to the start of the course or activity. Written documentation must include:

1. A diagnostic statement from an appropriate professional identifying the disability, date of the current diagnostic evaluation and the date of the original diagnosis. The diagnostic statement must also contain the date of the last clinical visit, which must not be more than six months prior to the date of the letter;
2. A description of the current functional impact of the disability;
3. Treatments, medications, assistive devices or services currently prescribed;
4. A description of any functional limitation with and without assistive devices including the professional's opinion on how this would affect the Learner's ability to function in a clinic or research environment appropriate to the Learner's curriculum; and
5. The relevant credentials of the diagnosing professional(s), such as medical specialty and professional licensure.

- B. **Costs: Providing Supporting Documentation.** Any costs related to producing or compiling Disability documentation will be the responsibility of the Learner. Enrolled students who qualify for financial assistance (e.g., federal student aid) may receive funding to assist with compilation of supporting documentation such as cognitive and psychological assessments, but will not receive financial support for health care services or visits that may lead to further testing or evaluation specific to a Disability diagnosis, such as primary care provider visits that are covered under the student's health insurance policy. Learners who fail to meet the requirements for written documentation and/or deadlines for submission may face delayed consideration of the request and/or implementation of any approved reasonable accommodations.

VIII. Tools

- Learners & Program Applicants: Disability Request Portal; (*in development*)

IX. Related Policies

- A. **Academic & Technical Standards: Institutional Policies Related to Student Conduct** (non-exhaustive list).
- [02.2.20 - Title IX Misconduct and Grievance Policy;](#)
 - [02.2.25 - Policy Regarding Harassment, Discrimination and Retaliation;](#)
 - [02.2.26 - Sexual Misconduct and Other Prohibited Conduct Policy;](#)
 - [02.5.34 - Substance and Alcohol Abuse;](#)
 - [11.2.15 - Social Media Policy;](#)
 - [12.2.01 - Acceptable Use Policy;](#)
 - [18.1.04 - Influenza Vaccination Policy;](#)
 - [18.2.01 - Weapons and Firearms on Campus Policy;](#)
 - [20.8.03 - Use of Copyrighted Materials;](#)
 - [23.1.00 - Background Checks and Criminal Convictions Policy for Program Applicants and Current Students;](#)
 - [23.1.08 - Student Appeals and Grievances Policy;](#)
 - [23.2.01 - Respectful and Professional Learning Environment Policy: Standards for Student Conduct and College Oversight;](#)
 - [23.2.02 - Learner Mistreatment Policy;](#)
 - [23.3.10 - Accommodation Procedures for Learners and Program Applicants with Disabilities;](#)
 - [31.1.01 - Code of Conduct;](#)
- B. **Academic & Technical Standards: School Policies & Handbooks**(non-exhaustive list). Consult these sources for specific information on academic and technical standards including, but not limited to, curriculum requirements, attendance, grades, professional conduct, academic honesty, promotion, .
- [Graduate School of Biomedical Sciences - Ph.D. Program Handbook;](#)
 - [School of Medicine - M.D. Program Handbook;](#)
 - o [28.1.05 - Student Progression and Adverse Action Policy;](#)

- o [28.1.16 – Technical Standards Policy](#);
- School of Health Professions –
 - o [School Handbook](#);
 - o [Doctor of Nursing Practice-Nurse Anesthesia Student Manual](#);
- [National School of Tropical Medicine Handbook](#);

C. Other Accommodation Policies.

- [02.2.30 – Accommodations for Employees and Employment Applicants with Disabilities](#);
- [02.2.50 – Accommodations for Breastfeeding Mothers](#);
- [02.8.25 – Family and Medical Leave Act Policy](#);
- [23.1.12 – Student Leave of Absence Policy](#);

X. Applicable Laws, Regulations & Standards

- [Americans with Disabilities Act of 1990 \(ADA\) & 2008 Amendments to the ADA](#);
28 C.F.R. Part 36;
- [Rehabilitation Act of 1973](#);
- [Medical Students with Disabilities: A Generation of Practice](#) (AAMC 2005);

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