



POLICY STATEMENT 26 DISABILITY SERVICE, DUTIES, AND COMPLIANCE

POLICY DIGEST

Monitoring Unit: Office of Inclusion, Civil Rights & Title IX
Initially Issued: January 25, 1978
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I. PURPOSE

To state the policy and procedures of Louisiana State University to provide equal-access and opportunity to all persons, without regard to disability, in the recruitment of, admission to, participation in, or employment in, the programs, activities, and services operated and sponsored by the university pursuant to the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA), as amended, and other related federal and state laws.

This policy applies to all LSU employees, applicants for employment, students, applicants for admission and members of the general public who participate in the programs and activities of, or receive services from LSU.

II. DEFINITIONS

ADA Coordinator: The individual who facilitates compliance with disability related law and regulations. This position is responsible for receiving complaints regarding disability related access and discrimination based on disability. The position resides within the Division of Inclusion, Civil Rights & Title IX. Contact information may be found in [Appendix B](#).

Accessible: refers to a site, facility, work environment, service, or program that is easy to approach, enter, operate, participate in, and/or use safely and with dignity by a person with a disability.

Direct Threat: A significant risk of substantial harm to the health or safety of an individual with a disability or others that cannot be eliminated or reduced by reasonable accommodation.

Disability: with respect to an individual: a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

Effective Communication: refers to communication with people with disabilities necessarily being as effective as communication with others.

Essential Job Function: Fundamental job duties of the employment position held by or desired by the individual with a disability; does not include the marginal functions of the position. Considerations in determining whether a function is essential include, but are not limited to: the written job description, whether the reason for the position exists is to perform that function, the limited number of employees available to perform that function, and the degree of expertise required to perform the function.

Fundamental Alteration: A modification that is so significant that it alters the essential nature of

the goods, services, facilities, privileges, advantages or accommodations offered. If a public entity can demonstrate that the modification would fundamentally alter the nature of its service, program or activity, it is not required to make the modification.

Impairment: Any physiological, mental or psychological disorder or condition, including those that are episodic or in remission, that substantially limits one or more major life activities when active.

Interactive Process: An informal dialogue between the employer and employee, or student and institution, used to identify the precise limitations resulting from the disability and to determine potential reasonable accommodation that could overcome those limitations.

Major Life Activity: An activity that an average person can perform with little or no difficulty; may include, but are not limited to:

1. Generally, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with other and working; and
2. The operation of a major bodily function, including functions of the immune system, special sense organs and kin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

Qualified Individual:

1. Under Title I of the ADA, an individual with a disability who meets the requisite skill, experience and education requirements for the position and who can perform the essential functions of the position held or applied for, with or without reasonable accommodation(s).
2. Under Title II of the ADA, an individual with a disability who meets the essential eligibility requirements for the receipt of services or participation in program or activities, with or without reasonable accommodation(s).

Reasonable Accommodation:

1. Under Title I, a modification or adjustment to the work environment that will enable a qualified individual with a disability to:
 - a. Participate in the testing, application and/or interview process;
 - b. Perform the essential functions of the job; or
 - c. Provide equal opportunity to the benefits and privileges of employment.
2. Under Title II, a modification that permits an individual with a disability to effectively communicate with a State Agency and/or ensure equal opportunity relative to a State Agency's programs, services, activities and facilities.

Substantially Limits: An impairment that prevents the ability of an individual to perform one or more major life activities as compared to most people in the general population when taking into consideration factors such as the nature, severity, duration, and long-term impact of the condition.

Such consideration must be regardless of any mitigating measures such as modifications, auxiliary aids, or medication used to lessen the effects of the condition (except for use of ordinary eyeglasses or contact lenses).

Undue Hardship: an action that requires significant difficulty or expense in relation to the size of the employer, the resources available, and the nature of the operation; includes any action that is unduly costly, extensive, substantial, disruptive, or would fundamentally alter the nature or operation of the business.

III. GENERAL POLICY

LSU is fully committed to ensuring equal access and opportunity to individuals with disabilities, consistent with the Americans with Disabilities Act (as amended) and other state and federal disability laws.

The university prohibits discrimination against qualified persons with disabilities in all employment practices, activities, programs, services, facilities, transportation, public accommodations, and digital spaces. Upon request, LSU shall engage in an interactive process and may approve reasonable accommodation, unless: the requestor is not a qualified individual; doing so poses an undue hardship to the institution; doing so would fundamentally alter the nature of programs, activities or services; or doing so poses a direct threat to the health or safety of the individual or others.

Additionally, the university is committed to promoting an atmosphere to prevent discrimination against individuals with disabilities, to bring persons with disabilities into the social and economic mainstream, to provide enforceable standards to address discrimination against individuals with disabilities, and provide reasonable and appropriate accommodations or auxiliary aids or services.

IV. PROCEDURES FOR REQUESTING REASONABLE ACCOMMODATION(S)

- A. Upon receipt of request for accommodations, the department or person (i.e. ADA Coordinator) with oversight for the request shall engage in the interactive process. In doing such, the appropriate department or person may:
 1. Document the request, if not submitted in writing by the requestor, on the Request for Accommodation Form;
 2. Notify the requestor whether supporting documentation from a health care provider is required;
 3. Engage in an interactive process involving consultation with the requestor, the treating healthcare provider (if applicable) and internal staff, if necessary under the circumstances;
 4. Confer with the Louisiana Rehabilitation Services and/or Job Accommodation Network (JAN), as deemed appropriate, to help evaluate the availability of accommodation options and resources related thereto;
 5. Where appropriate, discuss any alternative, equally effective accommodations with the requestor; and
 6. Notify the requestor, in writing, of the final determination, including information regarding the internal grievance procedure.

Individuals with disabilities are encouraged to suggest accommodations based upon their own life and/or work experiences. Such requested accommodations will be duly considered. Nonetheless, LSU reserves the right to select an equally effective accommodation that may be less expensive or impactful on business operations. All accommodation requests will be evaluated thoroughly and objectively on a case-by-case basis.

LSU shall be responsible for collecting and maintaining documentation of the interactive process related to accommodations requested and discussed; any equally effective accommodations identified; business reasons for decisions made; and actions taken on all accommodation requests. This documentation is necessary in order to satisfy annual reporting requirements pursuant to La. R.S. 46:2596.

For additional resources, please see [Appendix C](#).

B. Employees and Applicants for Employment

1. The university will provide reasonable accommodations to applicants or employees with a disability upon request of the employee or applicant. To request accommodation(s), the individual:
 - a. May initiate a request verbally or in writing. If a request is made to an LSU employee other than the ADA Coordinator, the LSU employee receiving the request shall direct the requestor to the application located on [the ADA Coordinator's website](#) to complete the ADA Employee Accommodation Form Request.
 - b. Must submit documentation necessary to support the request. Such documentation may come from a healthcare provider documenting the condition, functional limitations, and recommended accommodation(s).
 - c. Must timely and cooperatively participate in the interactive process.
2. In all cases in which an employee or an applicant for employment requests an accommodation based upon disability, the university representative receiving the request is required to contact the ADA Coordinator for assistance in handling the request. Such requests must include the duties the individual is unable to perform and the accommodation(s) requested. Accommodation may include, but are not limited to, assistive technology, flexible work arrangements, use of accrued paid leave(or once exhausted, unpaid leave), job restructuring, modified work schedules, equipment, or reassignment. The ADA Coordinator will review the request and discuss the need for such an accommodation with the employee or applicant for employment.
3. Employment Application and Testing Process

A qualified prospective or current employee may address an accommodation request relative to the application and/or testing process to the following, dependent upon the Job Type indicated on the vacancy announcement:

- a. For Classified Jobs: Contact State Civil Service, Testing and Recruiting Office at (225) 925-1911. For more information regarding accommodations, applicants may go to <https://jobs.civilservice.louisiana.gov/TestInformation/Accommodations.aspx>.
- b. For Unclassified Jobs: Contact the **LSU** representative identified in the vacancy announcement for the job being sought. The **LSU** representative shall notify and collaborate with the ADA Coordinator to address the accommodation request.

4. Interview Process

If contacted for an interview, a qualified individual with a disability should notify the hiring manager at that time if an accommodation is needed in order to participate in the interview and, if so, the nature of the requested accommodation. The hiring manager shall notify and collaborate with the ADA Coordinator to address the accommodation request.

C. Accommodations/Auxiliary Aids and Services for Students and Prospective Students

A prospective student with a disability will not be denied admission or subjected to discrimination in admission or recruitment to the university based on their disability. Recruitment of students will be conducted without regard to whether or not a potential student has a disability. All admission criteria and testing will be selected and administered to be accessible to those with a disability.

Prospective students may voluntarily self-identify as an individual with a disability during the admissions process and will be routinely provided information about university services available to students with disabilities. A decision whether to self-identify will not result in adverse treatment of the prospective student.

A student or prospective student who seeks an accommodation/auxiliary aid must engage in the interactive process first by completing the necessary forms and scheduling a meeting with the Office of Disability Services (ODS). Only students who schedule and meet with a representative of ODS will be considered for accommodations/auxiliary aids and services. The meeting may be in person, telephonic or electronic. In all cases in which a student or prospective student requests an accommodation or auxiliary aid based upon disability, the student may be required to provide current documentation of a disability from an appropriately licensed professional that clearly identifies the nature of the disability and how the disability affects a major life activity. The student is responsible for any costs necessary to provide the appropriate documentation from the professional. Accommodations recommended by a professional may or may not be the same as accommodations ultimately approved by ODS.

With written student authorization, ODS may obtain, at the university's expense, an independent medical opinion concerning the disability for which the student seeks an accommodation/auxiliary aid, including additional suggestions or recommendations regarding reasonable accommodations/auxiliary aids and services. A student's failure to grant such authorization may result in a denial of the student's request.

A student with a disability requesting an auxiliary aid or service is obligated to provide notice of the nature of the disabling condition to ODS and to assist in identifying appropriate and effective auxiliary aids or service to enable effective communication. ODS may request that the student provide supporting diagnostic test results and professional prescriptions for auxiliary aids and services. ODS may obtain its own professional determination of whether specific requested auxiliary aids and services are necessary based on the individual and the circumstances.

When an auxiliary aid is requested, primary consideration will be given to the student's preference; however, the university may provide an equally effective alternative means of communication depending on the unique circumstances. The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place.

Accommodations and auxiliary aids and services will be considered on a case-by-case basis. ODS will make a determination on a student's request for accommodation/auxiliary aid based on the information provided by the student and the independent healthcare provider, if any. The university is not required to take any action that would result in a fundamental alteration in the nature of a service, program, or activity or which would result in an undue financial and administrative burden.

ODS will coordinate the determination of reasonable and appropriate academic accommodations or auxiliary aids and services and coordinate with the appropriate senior official to request facilitation.

A student or prospective student who believes that a request for an academic accommodation/auxiliary aid has been unreasonably denied by ODS may file a complaint with the university's [ADA/Title II Coordinator](#) by submitting a written request (electronic is sufficient) within 10 business days of the denial. Only agreed-upon accommodation(s)/auxiliary aid(s) will be provided while a final decision is pending. The university ADA/Title II Coordinator should provide a response to a complaint within 10 business days of receipt.

D. University Public Services

As a large, multi-faceted institution of higher education, the university attempts to accommodate and provide a variety of activities, programs, and services available to the general public as well as to students and employees. The university shall not discriminate on the basis of disability in any such activity, program, or service but will make such activities, programs, and services available to persons with disabilities to the fullest extent possible.

University personnel responsible for activities, programs, and services will respond to requests for accommodations from persons with disabilities seeking access to such activities, programs, and services. Any university employee receiving a request for accommodation shall contact the ADA Coordinator or the Office of Disability Services depending on the affiliation of the requestor. Any individual attending an LSU student-sponsored event requesting an accommodation should contact the Office of Disability Services.

E. Accessible Digital Environment

The university supports a digital environment that enables equal access to all constituencies. Accessible digital content augments usability for everyone, and the university strives to procure and provide digital applications and content that are accessible to people with disabilities, including those who use assistive technologies. To do so, the university is guided by applicable accessibility standards.

A digital technology environment encompasses all software; web-based applications; website design; development, hosting, maintenance, and archiving services; cloud-based applications and storage services; digital instructional resources, and digital hardware interfaces. Additionally, this

environment also includes university web material displayed on the World Wide Web or in a Web browser, including official university websites and electronic instructional material (text and multimedia)

For all public-facing university websites, university websites that require login credentials, and in-house applications, responsible units will incorporate applicable accessibility standards into the web content. Any accessibility issues identified through testing or end user feedback will be addressed in a timely manner. Websites and applications must include a method of contact for users with disabilities who are having trouble accessing content or services.

Applications will be reviewed by the ADA Coordinator and evaluated on applicable accessibility standards prior to being purchased.

If a unit seeks an exemption to this policy, it must submit a request via the institution's Software Acquisition Process administered by the ADA Coordinator.

General questions concerning website design and accessibility issues, questions concerning all other aspects of the information technology environment, and instructional/academic material should be directed to the Director of Digital Accessibility within the Office of Inclusion, Civil Rights & Title IX.

F. Roles & Responsibilities

1. President: Has final authority for all decisions regarding the implementation of this policy.
2. Vice President for Inclusion, Civil Rights & Title IX: Maintains oversight of accessibility and accommodation efforts for the university; considers and acts on appeals from employees related to accommodation decisions rendered by the ADA Coordinator (See Sec. V.A.1. below).
3. ADA/Title II Coordinator: Coordinates the efforts of the university to comply with Title II of the American with Disabilities Act, receives requests for employment-based accommodations and appeals for student accommodation, investigates disability-based discrimination related complaints, and leads compliance and access efforts throughout campus.
4. Office of Disability Services (ODS): Determines, coordinates, and helps provide all disability-related reasonable and appropriate accommodations or auxiliary aids or services in collaboration with other university departments as necessary for enrolled students with documented temporary and/or permanent disabilities at the university. ODS serves as a campus resource for matters concerning persons with disabilities and provides information to potential students and their families on the services available to students with disabilities.
5. Director of Digital Accessibility: responsible for ensuring the information technology environment is as accessible as possible and in conformance with applicable accessibility standards
6. Office of Facility & Property Oversight: Provides technical support on matters involving university facilities and premises, is responsible for partnering with the LSU ADA Coordinator to monitor the accessibility of university facilities and premises by persons who are disabled, and administers physical improvements for enhanced accessibility.

7. Office of Procurement: Makes best faith efforts to ensure all contractual agreements with Louisiana State University comply with current laws and regulation.
8. Office of Strategic Communication: Offers services to assist campus units in the development of websites in coordination with ITS and ensures campus adherence to the university's brand identity and applicable accessibility standards. (Policy Statement 10: Internal and External Communications/Advertisements)

V. COMPLAINT PROCEDURE

- A. The following procedures are available to individuals with disabilities for resolution of complaints regarding the disposition of accommodation requests.
 1. **Employees:** Employees who wish to appeal accommodation(s) rendered by the ADA Coordinator may do so in writing to the Vice President for Inclusion, Civil Rights & Title IX. Appeals must be submitted in writing within 10 business days of the original decision. A decision shall be rendered in writing within 10 business days of receipt.
 2. **Students:** Students may appeal, in writing to the ADA Coordinator, accommodation decisions by the Office of Disability Services within 10 business days of decision by ODS. A decision shall be rendered in writing within 10 business days of receipt.
 3. **Applicants or General Public:** Non-employee and non-student participants may appeal in writing to the ADA Coordinator within 10 business days of the original accommodation decision. A decision shall be rendered in writing within 10 business days of receipt.

VI. PUBLIC NOTICE

To ensure access by all interested persons, this document shall be made available on the LSU policies website, and the web sites of the [ADA Coordinator](#) and the Office of [Disability Services](#). Additionally, this shall be made available and posted conspicuously for access by the public within university facilities.

VII. PROTECTIONS

The university prohibits retaliation against any individual for:

- Making an accommodation request;
- Opposing any practice or act made unlawful by the ADA;
- Filing a charge of discrimination;
- Testifying, assisting or otherwise participating in an investigation, proceeding, hearing or any other process afforded by this policy, the ADA and/or disability protection laws;
- Aiding or encouraging another individual(s) in the exercise of any right granted or protected under this policy, the ADA and/or disability protection laws;
- Having a family, business, social or other relationship or association with an individual with a known disability.

In addition, the university prohibits any act to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of rights under the ADA or for aiding or encouraging any other

person in the exercise or enjoyment of rights under the ADA.

VIII. CONFIDENTIALITY

The university will request information about an individual's disability only as is necessary for those university representatives making an accommodation decision to carry out requests for accommodation. Such information may be disclosed to others outside the accommodation process only with the express written consent of the person requesting an accommodation based on disability, or as required by law. All information regarding an individual's disability is kept confidential and separate from academic records and/or employment files.

IX. PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITION

In accordance with La. R.S. 23:341-342, an applicant or employee with limitations arising from pregnancy, childbirth or related medical conditions may request an accommodation to the immediate supervisor. The immediate supervisor shall notify and collaborate with the ADA Coordinator to address the accommodation request. Such accommodations may include but are not limited to: providing more frequent, compensated break periods; providing a private place, other than a bathroom stall, for purposes of expressing breast milk; modifying food or drink policy; and other accommodations that permit the individual to reduce or eliminate the need for leave.

X. SOURCES

- A. [PS 10 Internal and External Communications/Advertisements](#)
- B. [Americans with Disabilities Act of 1990](#)
- C. [ADA Amendments Act of 2008](#)
- D. [Rehabilitation Act of 1973 Section 504](#)
- E. [La. R.S. 46:2596](#)
- F. [University Procurement Codes](#)

XI. APPENDICES

- A. [Web Content Accessibility Guidelines \(WCAG\) Version 2.0, AA conformance level guidelines and Voluntary Product Accessibility Template \(VPAT\)](#)
- B. [Contact information for Office of Civil Rights & Title IX and the Office of the ADA Coordinator](#)
- C. [Additional Resources](#)

APPENDIX A

[Web Content Accessibility Guidelines \(WCAG\) Version 2.0, AA conformance level guidelines and Voluntary Product Accessibility Template \(VPAT\)](#)

APPENDIX B

Contact information for [Office of Civil Rights & Title IX and the Office of the ADA Coordinator can be accessed via webpage.](#)

ADA Coordinator Contact Information:

Jennie Stewart
118 Himes Hall
Baton Rouge LA 70803
(225) 578-9000
accessibility@lsu.edu

APPENDIX C

For additional resources, individuals with disabilities may contact Rikki Nicole David, State ADA Coordinator, at rikki.david@la.gov or (225) 342-1243.

Individuals may also contact or file a complaint with the following:

- [U.S. Equal Employment Opportunity Commission \(EEOC\)](#) pursuant to Title I (29 CFR § 1630.1 – 1630.16) at 1-800-669-4000, 1-800-669-6820 (TTY for Deaf/Hard of Hearing callers only) or 1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers only).
- [Louisiana Commission on Human Rights](#) pursuant to La. R.S. 23:323 et seq at 225-342-6969; or
- [U.S. Department of Justice \(DOJ\), Civil Rights Division](#), pursuant to Title II (28 CFR § 35.101 – 35.190) at 202-514-3847 or 202-514-0716 (TTY for Deaf/Hard of Hearing callers only).

Be advised that strict time limitations apply for filing complaints with these governmental agencies.