



Disability Services
UNIVERSITY OF COLORADO **BOULDER**

Disability Services Policies & Procedures

Effective: July 1, 2021

The University of Colorado Boulder does not discriminate on the basis of race, color, national origin, sex, pregnancy, age, disability, creed, religion, sexual orientation, gender identity, gender expression, veteran status, political affiliation or political philosophy in admission and access to, and treatment and employment in, its educational programs and activities.

The information contained within the Disability Services Policies and Procedures is intended to provide general information to members of the CU Boulder community and is not intended to, nor does it, create an express or implied contract between the Disability Services or CU Boulder and community members.

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A. Overview and Mission of Disability Services

The Office of Disability Services (DS) is a unit within the Division of Student Affairs responsible for certain aspects of compliance with applicable civil rights laws and university policy related primarily to the Americans with Disabilities Act (ADA) and the section 504 of the Rehabilitation Act. Disability Services is charged with ensuring students with disabilities receive effective access, support, and, when applicable, reasonable accommodations to ensure that qualified students with disabilities enjoy equal educational and other opportunities available to non-disabled students.

Disability Services supports the ongoing development of an accessible university that embraces and celebrates diversity and inclusive excellence by providing disability-related information, services, and resources for students, faculty and staff. DS is responsible for educating the campus community about disability laws and promoting equal access and opportunity for students with disabilities. DS is charged with providing reasonable accommodations for all students with disabilities at CU Boulder, including undergraduate, graduate, and continuing education students.

Additionally, Disability Services collaborates with its campus partners to address the holistic accessibility needs of students with disabilities – including housing accommodations. Disability Services works in partnership with [ADA Compliance](#) within the Office of Institutional Equity and Compliance (OIEC), the CU Boulder unit responsible for ensuring employees with disabilities receive access, support, and, when applicable, reasonable accommodations to ensure that qualified individuals with disabilities enjoy equal employment opportunities available to non-disabled persons. For additional information regarding all disability-related resources on campus, please visit: <https://www.colorado.edu/campus-accessibility>.

B. Purpose and Scope

The Disability Services Policies and Procedures are intended to comply with the related requirements of applicable federal laws, their implementing regulations, and related federal agency guidance, as well as state law.

[CU Boulder policy](#) prohibits discrimination and harassment based on protected-class identity, including disability. Unfair treatment or intimidating behavior aimed at any member of the campus community based on an aspect of identity protected by CU Boulder policy is reportable to the Office of Institutional Equity and Compliance (OIEC). Individuals who experience discrimination or harassment because of a disability may contact the OIEC directly at (303) 492-2127 or cureport@colorado.edu.

C. Definitions

Accessibility means that a person with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally inclusive manner, with substantially equivalent ease of use.

Architectural Barriers are physical features that may limit or prevent people with disabilities from accessing offered programs or services in facilities. They can include, for example, parking spaces that are too narrow to accommodate people who use wheelchairs; round doorknobs or door hardware that is difficult to grasp; aisles that are too narrow for a person using a wheelchair, electric scooter, or a walker; a high counter or narrow checkout aisles at a cash register, and fixed tables in eating areas that are too low to accommodate a person using a wheelchair or that have fixed seats that prevent a person using a wheelchair from pulling under the table.

Disability is any of the following: (1) a physical or mental impairment that substantially limits one or more major life activities of an individual; (2) a record of this kind of impairment; or (3) being regarded as having such an impairment.

Equal Access is the equal opportunity of a qualified person with a disability to participate in or benefit from employment or educational aid, benefits, or services.

Fundamental Alteration is a change that is so significant that it alters the essential components or nature of a program, course, services, facilities, privileges, or advantages offered. For example, changes that would lower the academic standards of a course or a program are considered fundamental alterations.

Interactive Process is a practice in which an individual seeking accommodation and the Disability Services office identify the precise limitations caused by the disability, how the limitations impact the individual, and how best to respond to the need for accommodation. This is the mutual communication process between the individual and Disability Services office that is triggered by the individual giving notice to Disability Services of their disability and the individual's interest in or need for an accommodation or modification. The interactive process requires both parties to directly communicate, exchange essential information, and provide good-faith consideration of possible accommodations to identify an accommodation or modification that allows CU Boulder students equal access to the campus and its services, programs, and events. For privacy considerations during the interactive process, see Section D.i below.

Reasonable Modification is a change in policies, practices, or procedures to avoid discrimination on the basis of disability, that do not fundamentally alter the nature of the service, program, or activity.

Substantial Limitation is the inability to perform a major life activity or a significant restriction as to the condition, manner, or duration under which a person can perform a particular major life activity as compared to the average person in the general population.

Undue Hardship is an action requiring significant difficulty, expense, or disruption when considered in light of factors such as the university's size, financial resources, nature and structure of its operation, and the impact of the accommodation on operations and the ability of other employees to perform their job.

D. Student Accommodations Process

Disability Services provides reasonable accommodations to qualified students (including but not limited to students enrolled in undergraduate, graduate, and continuing education coursework) with a disability to participate equally in any university programs and activities. In addition to accommodating students with disabilities in the academic context, Disability Services is responsible for evaluating requests for reasonable accommodations and/or modifications in University-owned housing and dining facilities.

Examples of reasonable accommodations in the academic context may include, but are not limited to: extended time for quizzes and exams, alternate format of texts, making existing facilities used by students readily accessible to and usable by persons with disabilities; priority course registration; acquiring or modifying equipment, devices, or workstations; providing assistive technology; captioning and interpretive services for both synchronous and asynchronous instructional formats.

Examples of reasonable accommodations in the campus housing and dining context may include, but are not limited to: wheelchair accessible bedrooms and bathrooms, accessible equipment, a second refrigerator for medication, alternative meal plans, and assistance animals.

Students with a disability seeking a reasonable accommodation should submit an [application for accommodation](#) as found on the [DS website](#). A request for an accommodation initiates the interactive process. If a student makes an accommodation request to their faculty, advisor, or any other employee of CU Boulder, the employee should refer the student to DS, and the employee should also contact DS directly to communicate the request. Disability Services can be contacted by email at dsinfo@colorado.edu or by phone at (303) 492-8671.

i. Interactive Process

Disability Services facilitates the interactive process to discuss and identify (1) whether the student is an individual with a disability pursuant to applicable law and if so, (2) the need for academic accommodations and (3) whether the student can be reasonably accommodated in their course or program. The interactive process requires good faith participation from both the student and the university.

During the interactive process, Disability Services may request adequate documentation of a medical condition from the treating health care provider of the student to determine whether the employee has a disability, the specific limitations resulting from the disability, and the extent of these limitations. The medical inquiry will be limited to information necessary to determine disability and appropriate reasonable accommodation(s). Under the ADA, having a medical condition alone is not enough to make a student eligible for an accommodation; a student must have a condition that qualifies as a disability. After receipt of initial medical documentation, Disability Services may in certain situations request follow-up information from the student's health care provider.

Disability Services will determine the feasibility of any potential accommodation by considering factors such as:

- what barrier is impeding the student's ability to equally participate in a university program or activity,
- how the requested accommodation will enable the student to participate equally, the nature and cost of the accommodation,
- the accommodation's impact on the essential components of a course or program, and
- the accommodation's impact on the ability of other students to participate in a safe and efficient manner.

The university is not required to provide an accommodation that will eliminate and/or alter an essential component of a course or lower academic standards, nor must it provide personal use items or amenities (a personal use item is one that is needed in accomplishing daily activities both inside and outside the confines of a course structure - thus, Disability Services is not required to provide a student with a personal assistant, a prosthetic limb, a wheelchair, eyeglasses, hearing aids, or similar devices if they are also needed outside of the program). In addition, the university is not required to provide the student's preferred accommodation and may instead identify reasonable alternatives for accommodations which are effective in removing academic barriers that impede the individual with a disability.

After engaging in this interactive process, Disability Services will make a determination as to whether the student has a disability and can be reasonably accommodated. Once a decision has been made, a Notice of Determination ("NOD") will be issued to inform the student of the decision regarding the accommodation request. The NOD will be sent to the student within five (5) business days of completing the Access Meeting and receiving supporting documentation. For additional information about privacy of information, see Section D.iv below.

iii. Temporary Medical Conditions and Academic Adjustments

Temporary medical conditions (TMC) such as injuries, surgeries, or acute illnesses may not qualify as permanent disabling conditions. However, Disability Services does provide assistance to students and guidance on working with a temporary medical condition while attending CU Boulder.

Disability Services provides reasonable temporary adjustments to students with health conditions related to pregnancy or the physical recovery from childbirth. In the event the accommodation sought is pregnancy-related, the above process applies with the exception that a student requiring a continuation of pregnancy accommodations after childbirth must submit a request along with supporting medical documentation to verify the continued need for and duration of the requested accommodation.

iv. Privacy and Confidentiality

Disability-related information is treated as private information, meaning that information will be shared only with a limited number of individuals who “need to know” in order to assist in the review of the accommodation request, the determination, and the implementation of accommodation(s) where applicable.

Provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA) govern access to a student’s educational records. Disability Services student information and records are available to university officials or offices with a “legitimate educational interest” under FERPA. For example, certain persons may need to be aware of requested accommodations, an individual’s limitations leading to the need for an accommodation, and/or the outcome of accommodation decisions. These persons can include, but are not limited to faculty members, first aid and safety personnel, residential staff and those assisting with implementing accommodations.

General disability-related information is distinguished from confidential medical information obtained from individuals and/or their medical providers regarding specific diagnoses or conditions. Disability Services staff who are involved in gathering and maintaining confidential medical information for purposes of evaluating and determining accommodations receive specific training and guidance about safeguarding this confidential medical information in accordance with applicable laws. Confidential medical information is not shared by Disability Services personnel with faculty, parents, residential staff, academic advisors or other campus personnel without express permission of the individual or as otherwise permitted or required by law.

E. Grievance Process

If a student is denied an accommodation or receives an accommodation that they consider ineffective in a Notice of Determination (NOD) issued by Disability Services (DS), the student may file a grievance of the decision to the Director of DS within the timeframe set forth below. The scope of a grievance review is limited to determining whether an accommodation decision was reasonable under the circumstances.

The full Grievance Process can be found [here](#).

F. Appeal Process

If a student wishes to appeal a grievance decision, they must submit a written statement to the Executive Director of Health & Wellness Services within ten (10) business days of the date of issuance of the Grievance Decision Letter. The student’s statement should indicate the specific basis for the appeal (see below) and supporting arguments. The student should be aware that an appellate review involves consideration of the NOD based information that was made available to the Director during the grievance process and the grievance decision letter. Should a student have new or updated information they would like the Sr. Director to consider, the student will need to re-engage in the interactive process with their Access Coordinator by submitting an updated request for accommodations.

The full Appeal Process can be found [here](#).

G. Complaint Options & Reporting

Students who want to contest university decisions regarding academic or other accommodations can utilize the institutional appeal process as described above. Any availability and use of this grievance procedure does not prevent a student from filing a complaint of discrimination on the basis of disability with CU Boulder's ADA Coordinator, or with CU Boulder's Office of Institutional Equity and Compliance, pursuant to CU Boulder's Discrimination and Harassment Policy and the grievance process provided in the OIEC Resolution Procedures.

In addition, the student may explore resources, or file a complaint with, government offices external to the university including, as applicable:

- (1) Office for Civil Rights, Denver Office
U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582

- (2) [U.S. Department of Justice \(DOJ\)](#)
US Department of Justice
950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights Section – 1425 NYAV
Washington, D.C. 20530

- (3) [Equal Employment Opportunity Commission \(EEOC\)](#)
Denver Field Office EEOC
303 E. 17th Avenue
Suite 410
Denver, Colorado 80203

- (4) [U.S. Department of Housing and Urban Development \(HUD\)](#)
Office of Compliance and Disability Rights Division
Office of Fair Housing and Equal Opportunity
U.S. Department of Housing and Urban Development
451 7th Street, S.W., Room 5242
Washington, D.C. 20410

H. Resources for Students

Counseling and Psychiatric Services (CAPS): Center for Community (C4C) N352 P. 303-492-2277 <http://www.colorado.edu/health/counseling> CAPS offers psychiatric care, including counseling, individual and group psychotherapy, and medication, peer

education, substance abuse counseling and education, and stress management programs to fee paying students. All contacts are confidential.

Office of Victim Assistance: Center for Community (C4C) N450 P. 303-492-8855 E. assist@colorado.edu www.colorado.edu/ova. OVA provides free and confidential information, consultation, support, advocacy and short term counseling services to University of Colorado Boulder students, graduate students, faculty and staff who have experienced a traumatic, disturbing or life disruptive event. OVA is not a part of the police department or the Office of Institutional Equity and Compliance, and is confidential resource for students, staff, and faculty.

Ombuds Office: Center for Community (C4C) Ombuds P. 303-492-5077 Faculty Ombuds P. 303-492-1574 <http://www.colorado.edu/ombuds/> Assists students, faculty, and staff in resolving complaints or disputes with other individuals, offices, or departments within the university. Does not maintain records and is independent of any department or office. The Ombuds offices are confidential and not “responsible employees” for mandatory reporting purposes pursuant to University of Colorado Boulder applicable policies but do not currently have a statutory privilege in Colorado.

Student Support & Case Management (SSCM): Center for Community (C4C) N460 P. 303-492-7348 E. sscm@colorado.edu <http://www.colorado.edu/studentaffairs/sscm> Student Support & Case Management provides support to students throughout their college career and helps them achieve their academic and personal goals. SSCM does not solve a student’s problems for them, but rather helps identify issues and appropriate resources and works collaboratively with the student to develop an action plan.

Office of Institutional Equity & Compliance: 3100 Marine Street, 2nd floor Main P. 303-492-2127 ADA Compliance P. 303-492-9725 www.colorado.edu/institutionalequity/ The Office of Institutional Equity and Compliance (OIEC) employs a comprehensive and integrated approach for case resolution, education, assessment, support services, and ADA accommodations to create and foster a safe, inclusive, and accessible campus environment for all members of the CU community.

Contact Information:

Disability Services
Division of Student Affairs
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107 UCB
Boulder, CO 80309-0107
Email: dsinfo@colorado.edu
Phone number: (303) 492-8671
Fax Number: (303) 492-5601