



Institutional Equity and Compliance
UNIVERSITY OF COLORADO **BOULDER**

ADA Compliance Procedures 2018 -2019

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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 OIEC Process and Procedures is intended to provide general information to members of the university community and is not intended to, nor does it, create an express or implied contract between the OIEC or CU Boulder and community members. The OIEC reserves the right to change or eliminate any of the language herein at its discretion and without notice.

ADA Compliance

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ADA Compliance

I. Overview and Mission of ADA Compliance

ADA Compliance is a unit within the Office of Institutional Equity and Compliance responsible for compliance with applicable civil rights laws and university policy related primarily to the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and the Fair Housing Act. The ADA Compliance unit is charged with ensuring individuals with disabilities receive access, support, and, when applicable, reasonable accommodations to ensure that qualified individuals with disabilities enjoy equal educational and employment opportunities available to non-disabled persons. ADA Compliance is also responsible for ensuring pregnancy-related accommodations for employees.

ADA Compliance 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 employees and visitors. Our unit is responsible for educating the campus community and promoting equal access and opportunity for those with disabilities. ADA Compliance is charged with providing reasonable accommodations for all employees at the university, including permanent faculty and staff, research faculty, temporary employees, and student employees. Additionally, ADA Compliance collaborates with its campus partners to address the structural accessibility needs of the campus community (in partnership with Facilities Management and Housing Facilities Services), the housing and dining needs of students with disabilities (in partnership with the Housing Accommodations Committee led by Occupancy Management), the academic needs of students (in partnership with Disability Services, as part of the formal appeal process), and the access needs of the public (in partnership with various departments).

II. Purpose and Scope

The ADA Compliance Procedures are intended to comply with the related requirements of the following federal laws, their implementing regulations, and related federal agency guidance, as well as state law, including:

[The Fair Housing Amendments Act of 1988 \(“FHA”\)](#): The FHA is a federal law that specifies that people with disabilities must be granted reasonable accommodations and reasonable modifications in order to afford them equal enjoyment of their dwelling, which includes university provided housing.

[American with Disabilities Act \(“ADA”\)](#): The ADA is a federal law that in applicable part prohibits discrimination on the basis of disability in employment and state and local governments, like public universities. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or

record of such an impairment, or a person who is perceived by others as having such an impairment.

- Title I of the ADA requires the university to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others, restricts questions that can be asked about an applicant's disability before a job offer is made, and requires that employers make reasonable accommodation and reasonable modification to the known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue hardship.
- Title II of the ADA requires the university to provide people with disabilities an equal opportunity to benefit from all of their programs, services, and activities, and provides that the university may be required to make reasonable accommodations and modifications to programs, services or activities that it provides unless the university demonstrates that the requested accommodation or modification would "fundamentally alter" such programs, services or activities.

Section 504 of the Rehabilitation Act of 1973 ("Section 504"): Section 504 is a federal law that protects the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education. Section 504 provides that qualified individuals with a disability shall not, solely by reason of their disability be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The Pregnancy Discrimination Act of 1978 ("PDA"): PDA is a federal law that makes it illegal for employers to discriminate based on pregnancy when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits (such as leave and health insurance) and any other term or condition of employment. The PDA is an amendment to Title VII of the Civil Rights Act of 1964.

Colorado Anti-Discrimination Act ("CADA"): CADA is a state law that in applicable part prohibits disability discrimination in employment and housing, and public accommodations. Pursuant to its recent amendment, employers must provide reasonable accommodations to applicants and employees for health conditions related to pregnancy or the physical recovery from childbirth if the applicant or employee requests such accommodations and is otherwise qualified.

This document also provides the University's "grievance process" pursuant to federal regulations.

III. Definitions

- A. 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.
- B. Accommodations:**
- i. Reasonable Accommodations for Students or Educational Accommodations:* is a term used in the educational context, to refer to academic accommodations and adjustments, auxiliary aids and/or services, and/or modifications.
 - ii. Event Accommodation:* is an adjustment, auxiliary aid, or service that provides a qualified individual with a disability equal access to an event, lecture, meeting, and/or facility. Event accommodations can include, but are not limited to, interpreters, captionists, written materials in alternate format, listening devices, and physically accessible locations.
 - iii. Housing Accommodation:* is a change, exception, or adjustment in the rules, practices, or policies and procedures that govern the residence or dormitory. The housing accommodation must be related to the person's disability, cannot cause an undue financial and administrative burden, and cannot be a fundamental alteration of the normal service provisions.
 - iv. Reasonable Accommodation for Employees:* is a term used in the employment context, to refer to the modification or adjustment to a job, the work environment, or the way things are usually done during the hiring process. These modifications enable a qualified individual with a disability to have an equal opportunity to obtain a job and also successfully perform their job tasks to the same extent as people without disabilities. A reasonable accommodation relates to three aspects of employment: 1) ensuring equal opportunity in the application process; 2) enabling a qualified individual with a disability to perform the essential functions of a job; and 3) making it possible for an employee with a disability to enjoy equal benefits and privileges of employment.
- C. Architectural Barriers:** are physical features that may limit or prevent people with disabilities from accessing offered programs or services in facilities. They can include 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.

- D. Confidentiality:** disability-related information is treated as confidential medical information. Certain persons may need to be aware of the requested accommodation, limitations leading to the need for an accommodation, and/or the outcome of accommodation decisions. These persons can include, but are not limited to, a supervisor or manager, human resources personnel, first aid and safety personnel, and those assisting with implementing accommodations.
- E. Disability:** is defined under the ADA as 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; (3) being regarded as having such an impairment.
- F. 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.
- G. Essential Functions:** a term used in the employment context referring to job functions determined by the university to be considered essential or core to performing the job. In contrast, a marginal function is one that is considered incidental to the job function. An employee may be given a reasonable accommodation to perform an essential function, but an essential function should not be removed from an employee's position in order to accommodate a disability.
- H. Fundamental Alteration:** is a change that is so significant that it alters the essential nature of the program services, facilities, privileges, or advantages offered.
- I. Interactive Process:**

 - i. Students:* this is the mutual communication process between the student and the university that is triggered by the student giving notice of the student's disability and the need for an accommodation or modification. The interactive process requires both parties to communicate and provide good-faith consideration of possible accommodations to identify an accommodation or modification that allows the student equal access to the campus and its services, programs, and events.
 - ii. Employees:* this is the mutual communication process between the employer and the employee that is triggered by an employee, or an employee's representative, giving notice of the employee's disability and the need for an accommodation. The interactive process requires both parties to communicate and provide good-faith consideration of possible

accommodations to identify an accommodation that allows the employee to perform the job effectively. In identifying the barriers to job performance, the expectation is that both sides will directly communicate and exchange essential information and neither side can delay or obstruct the process. The parties shall consult and cooperate to discover the precise limitations and types of accommodations that would be the most effective in terms of enabling the employee to successfully perform the essential functions of the job.

- J. Major Life Activities:** include, but are not limited to: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
- K. Qualified Individual With A Disability:**
- i. Students:* in the post-secondary educational context, refers to a student who, with or without reasonable accommodations, satisfies the academic and technical standards requisite for admission or participation in the educational program of the university.
 - ii. Employees:* a qualified employee refers to one who has the skills, experience, education and other job-related requirements necessary for the position who is able to perform the essential functions of the job with or without a reasonable accommodation.
- L. Modifications:**
- i. Reasonable Modification:* , public entities are required to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.
 - ii. Reasonable Housing Modification:* is a structural change to the interior of a tenant's own unit or to the common use areas that allows the person full enjoyment of the housing. The tenant is responsible for requesting the modification from the housing provider. The modification must be related to the person's disability, cannot cause an undue burden, and cannot be a fundamental alteration of the normal service provisions.
- M. 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.

N. Undue Hardship: An action requiring significant difficulty, expense, and disruption when considered in light of factors such as the university's size, financial resources, and the nature and structure of its operation.

IV. Accommodations, Equal Access, and Effective Communication – Students, Employees, and Campus Visitors

A. Students Seeking Educational Accommodations

A student seeking an educational accommodation should contact [Disability Services](#), by email at dsinfo@colorado.edu or by phone at (303) 492-8671.

Disability Services, within the [Office of Diversity, Equity and Community Engagement \(ODECE\)](#), functions as the central point for accommodations in the educational environment for students. The office reviews requests for accommodations from students to ensure students with disabilities have equitable access to the educational environment. Examples of reasonable academic accommodations include testing accommodations, such as extended time, distraction-reduced environment, separate room, and use of a word processor. Examples of auxiliary aids that may be provided are materials in alternate format (e.g., Braille, electronic, etc.), note takers, interpreters, readers, assistive listening devices, and captioning. Personal attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature, such as tutoring and typing, do not constitute reasonable academic accommodations or auxiliary aids.

In providing an academic accommodation, the university is not required to fundamentally alter essential requirements and instead retains the right to establish criteria for its courses, academic majors, and requirements for its various degree programs. Academic colleges and departments are responsible for establishing essential requirements and technical standards for their respective academic programs.

i. Interactive Process

The interactive process is an informal practice in which the student and Disability Services determine the precise limitations created by the disability and how best to respond to the need for accommodation. The student's role in the interactive process includes: (1) meeting with Disability Services to discuss the impacts of their disability; (2) providing information/documentation on an as-needed basis; (3) sharing what disability accommodations have worked in the past; and (4) notifying Disability Services when an academic accommodation is proving ineffective. The role of Disability Services is for its access coordinators to: (1) work with the student and the instructors to

identify barriers to accessing the course, program, service, or activity and (2) recommend reasonable educational accommodations that mitigate impact of the barriers, but do not fundamentally alter the essential functions of the course, program, service, or activity. The instructor's role in the interactive process is to inform both the student and Disability Services of the essential elements of the course or program. The instructor is also tasked with contacting Disability Services if they believe that the recommended educational accommodations compromise the essential requirements of a course/program or fundamentally alter a course/program.

ii. Appeals of Educational Accommodations

If a student believes an accommodation provided by Disability Services is not reasonable or is not being met, or if the student's requested accommodation is denied, Disability Services has developed informal and formal procedures to assist the student in quickly resolving concerns. When a student utilizes the formal grievance process, the interactive process occurs (as it does in the informal process), and ultimately results in the Director of Disability Services issuing a written decision. Only decisions issued pursuant to the formal procedure are directly appealable to the Director of ADA Compliance/ADA Coordinator.

a. Basis for Appeal

Should a student be denied an educational accommodation by the Director of Disability Services, or receive an accommodation as reviewed by the Director of Disability Services that the student believes is ineffective and/or untimely, they may submit an appeal of the accommodation decision to the Director of ADA Compliance/ADA Coordinator. A student seeking an accommodation for the appeal process should contact the ADA Compliance unit.

b. Timelines

Appeals to the Director of ADA Compliance/ADA Coordinator must be received by the ADA unit within 20 business days from the date of issuance of the Disability Services Director's decision, absent legitimate extenuating circumstances. Appeals may be submitted by email to adacoordinator@colorado.edu, by U.S. mail or in person to Office of Institutional Equity and Compliance, Administrative and Research Center 2nd floor, University of Colorado Boulder, 557 UCB, Boulder, CO 80309.

The Director of ADA Compliance/ADA Coordinator will provide a Notice of Decision on Appeal to the student within 20 business days following submission of the finalized appeal. This 20 business day time limit may

be extended at the discretion of the Director of ADA Compliance/ADA Coordinator, upon written notice to the appealing student.

c. Required Submission Statement for Appeal

Appeals shall be in writing and must address as applicable:

- 1) if an educational accommodation was denied, the accommodation originally requested and supporting medical documentation; or
- 2) if an educational accommodation or an alternative educational accommodation was granted:
 - a. the reason(s) why it is ineffective and/or untimely,
 - b. an identification of an alternative accommodation or the accommodation originally requested if applicable,
 - c. the reasons why the requested alternative or original accommodation more effectively satisfies the student's disability-related needs, and
 - d. supporting medical documentation.

d. Process for Appeal

Upon receipt of the written appeal, the Director of ADA Compliance/ADA Coordinator will begin the appellate interactive process with the student. As part of this process, the Director of ADA Compliance/ADA Coordinator may ask for additional supporting medical documentation, and may be in direct contact with the student, the student's instructors, and other relevant individuals, including employees within Disability Services involved in the issuance of the Disability Services Director's decision.

In making the decision, the Director of ADA Compliance/ADA Coordinator will consider the material contained within the Disability Services Director's decision, any information submitted by the student during the formal Disability Services Grievance process, and will permit the student to submit other, relevant materials (including evidence and witnesses, if necessary) for consideration in the appeal. The decision of the Director of ADA Compliance/ADA Coordinator may result in:

- 1) upholding the decision of the Disability Services Director in its entirety;
- 2) sending the decision of the Disability Services Director back to the Disability Services office for reconsideration; or
- 3) reversing the decision of the Disability Services Director in part or in whole.

The decision of the Director of ADA Compliance/ADA Coordinator is final and not subject to further appeals.

e. Standard of Review

The scope of appeal review is limited to determining whether an accommodation decision was reasonable under the circumstances.

B. Students Seeking Housing and Dining Accommodations

A student seeking a housing or dining accommodation should contact the [Housing Accommodations Committee](mailto:housingaccommodations@colorado.edu) by email at housingaccommodations@colorado.edu or by phone at (303) 492-6673.

The Housing Accommodations Committee functions as the central point of contact for accommodations in the housing and dining environment for students. The committee reviews requests for accommodations to ensure students with disabilities have equal access to campus housing and dining. The Housing Accommodations Committee reviews requests for room/apartment modifications, room/apartment reassignment, dietary limitations – including anaphylaxis food allergies, visual/hearing impairments (e.g. flashing fire alarm, light up door bell, etc.), and assistance/emotional support animals.

i. Interactive Process

The interactive process involves the student and the Housing Accommodations Committee working together to determine the precise limitations created by the student’s disability and how best to respond to the need for accommodation in housing and dining services. The student’s role in the interactive process includes: (1) submitting a personal statement to the Housing Accommodations Committee to discuss the impact of their disability; (2) providing information/documentation in support on an as-needed basis; (3) sharing what, if any, accommodations have worked in the past; and (4) notifying the Housing Accommodations Committee when an accommodation is proving ineffective. The role of the Housing Accommodations Committee is for its members to: (1) work with the student and medical providers to identify barriers to accessing the housing or dining program, service, or activity and (2) recommend reasonable accommodations that mitigate impact of the barriers but do not fundamentally alter the essential requirements of a program, service, or activity.

The Housing Accommodations Committee provides a written decision regarding the granting or denial of accommodations. Decisions issued pursuant to this procedure are directly appealable to the Director of ADA Compliance/ADA Coordinator.

ii. Appeals of Housing Accommodations Committee Decisions

a. Basis for Appeal

Should a student be denied a housing or dining accommodation by the Housing Accommodations Committee, or receive an accommodation the student believes is ineffective and/or untimely, they may submit an appeal of the accommodation decision to the Director of ADA Compliance/ADA Coordinator. A student seeking an accommodation for the appeal process should contact the ADA Compliance unit.

b. Timelines

Appeals to the Director of ADA Compliance/ADA Coordinator must be received by the ADA unit within 20 business days of the date of issuance of the Housing Accommodation Committee's decision, absent legitimate extenuating circumstances. Appeals may be submitted by email to adacoordinator@colorado.edu, by U.S. mail or in person to Office of Institutional Equity and Compliance, Administrative and Research Center 2nd floor, University of Colorado Boulder, 557 UCB, Boulder, CO 80309.

The Director of ADA Compliance/ADA Coordinator will provide a Notice of Decision on Appeal to the student within 20 business days following submission of the finalized appeal. This 20 business day time limit may be extended at the discretion of the Director of ADA Compliance/ADA Coordinator, upon written notice to the appealing student.

c. Required Submission Statement for Appeal

Appeals shall be in writing and must address as applicable:

- 1) if a housing or dining accommodation was denied, the accommodation originally requested and supporting medical documentation; or
- 2) if a housing or dining accommodation or an alternative housing or dining accommodation was granted:
 - a. the reason(s) why it is ineffective and/or untimely,
 - b. an identification of an alternative accommodation or the accommodation originally requested, if applicable,
 - c. the reason(s) why the requested alternative or original accommodation more effectively satisfies the student's disability-related needs, and
 - d. supporting medical documentation.

d. Process for Appeal

Upon receipt of the written appeal, the Director of ADA Compliance/ADA Coordinator will begin the appellate interactive process with the student. As part of this process, the Director of ADA Compliance/ADA Coordinator may ask for additional supporting medical documentation, and may be in direct contact with the student, the student's medical provider, and other

relevant individuals, including employees that sit on the Housing Accommodations Committee involved in the issuance of the Committee's decision.

In making the decision, the Director of ADA Compliance/ADA Coordinator will consider the material contained within the Housing Accommodations Committee decision, any information submitted by the student during the formal housing accommodation process, and will permit the student to submit other, relevant materials (including evidence and witnesses if necessary) for consideration in the appeal. The decision of the Director of ADA Compliance/ADA Coordinator may result in:

- 1) upholding the decision of the Housing Accommodations Committee in its entirety;
- 2) sending the decision back to the Housing Accommodations Committee for reconsideration; or
- 3) reversing the decision of the Housing Accommodations Committee in part or in whole. The decision of the Director of ADA Compliance/ADA Coordinator is final and not subject to further appeals.

e. Standard of Review

The scope of appeal review is limited to determining whether an accommodation decision was reasonable under the circumstances.

C. Employees Seeking a Reasonable Accommodation (Disability or Pregnancy Related)

An employee seeking a reasonable accommodation should contact ADA Compliance by email at adacoordinator@colorado.edu or by phone at (303) 492-9725.

The university provides reasonable accommodations to qualified job applicants and employees (including teaching and research faculty, classified and exempt professional staff, and student employees) with a disability in order to enable the employee to perform the essential functions of his or her position. Examples of reasonable accommodations include: making existing facilities used by employees readily accessible to and usable by persons with disabilities; modifying work schedules; acquiring or modifying equipment or devices; adjusting or modifying examinations, training materials, or policies; providing qualified readers or interpreters; reassigning marginal job functions; and, as the accommodation of last resort, possible reassignment to a vacant position.

The university provides reasonable accommodations to employees experiencing conditions related to pregnancy and childbirth. Examples of accommodations include, but are not limited to, more frequent or longer break periods; more

frequent restroom, food or water breaks; acquisition or modification of equipment or seating; limitations on lifting; temporary transfer to a less strenuous or hazardous position if available, with return to the current position after pregnancy; job restructuring; light duty, if available; or assistance with manual labor.

An employee who would like to request a reasonable accommodation due to disability or pregnancy, in order to perform the essential functions of their position, may make a request to the employee's supervisor, or directly to ADA Compliance. If an employee makes a request to the employee's supervisor, the supervisor should refer the employee to ADA Compliance, while also contacting the ADA Compliance unit directly to communicate the request. When possible, employees should submit accommodation requests in writing. This shall initiate the interactive process.

i. Interactive Process

The interactive process is an informal practice in which the employee and employer determine the precise limitations created by the disability and how best to respond to the need for an accommodation. The ADA Compliance unit will engage in the interactive process to discuss and identify (1) whether the employee is an individual with a disability pursuant to governing law and, if so, (2) whether the employee can be reasonably accommodated in their position. The interactive process requires good faith participation from both the employee and the university.

During this interactive process, ADA Compliance may ask for documentation of a medical condition from the treating physician of the employee for the purpose of gathering information needed to determine whether the employee has a disability and the workplace limitations resulting from the disability. This may vary depending on the nature and extent of the disability and the accommodation requested. The inquiry will be limited to information necessary to determine disability and appropriate reasonable accommodation(s). Having a medical condition alone is not enough to make an employee eligible for an accommodation; under the ADA, an employee must have a condition that qualifies as a disability. ADA Compliance reserves the right to seek additional medical opinions on these issues at the expense of the university or to follow-up with questions for the employee's medical provider.

Thereafter, the ADA Compliance unit, in collaboration with the employee's supervisor and Human Resources, will determine the feasibility of any potential accommodation, considering factors such as what workplace barrier is impeding the employee's ability to perform the essential functions of their position, how the requested accommodation will enable the employee to

perform their essential functions, the nature and cost of the accommodation, the accommodation's impact on the operation of the facility, and the accommodation's impact on the ability of other employees to perform their duties in a safe and efficient manner. The university is not required to provide an accommodation that will eliminate an essential function of the position or lower production standards, nor must it provide personal use items or amenities (a personal use item is one that is needed in accomplishing daily activities both on and off the job - thus, an employer is not required to provide an employee with a prosthetic limb, a wheelchair, eyeglasses, hearing aids, or similar devices if they are also needed off the job).

After this consultation, the ADA Compliance unit shall make the final determination as to whether the employee is disabled under the ADA and can be reasonably accommodated in their position. Once a decision has been made, a Notice of Determination ("NOD") will be issued to inform the employee of the decision regarding the accommodation request. The NOD will be sent to the employee and those considered to need to know the accommodation decision, such as a supervisor or manager, within 5 business days of the decision.

ii. Pregnancy Accommodations

In the event the accommodation sought is a pregnancy accommodation, the above process applies with the exception that an employee requiring a continuation of a pregnancy accommodation after childbirth must submit a request along with supporting medical documentation to verify the need for and duration of the requested accommodation.

iii. Appeals of a Notice of Determination

a. Basis for Appeal

Should an employee be denied an employment accommodation or receive an alternative accommodation that they consider ineffective or untimely in a NOD issued by the ADA Compliance unit, they may submit an appeal of the accommodation decision to the Director of ADA Compliance/ADA Coordinator. Employees seeking an accommodation for the appeal process should contact the ADA Compliance unit.

b. Timelines

Appeals to the Director of ADA Compliance/ADA Coordinator must be received by the ADA unit within 20 business days of the date of issuance of the NOD, absent legitimate extenuating circumstances.

Appeals may be submitted by email to:

adacoordinator@colorado.edu, by U.S. mail, or in person to Office of Institutional Equity and Compliance, Administrative and Research Center 2nd floor, University of Colorado Boulder, 557 UCB, Boulder, CO 80309.

The Director of ADA Compliance/ADA Coordinator will provide a Notice of Decision on Appeal to the employee within 20 business days following submission of the finalized appeal. This 20-day time limit may be extended at the discretion of the Director of ADA Compliance/ADA Coordinator, upon written notice to the appealing employee.

c. Required Submission Statement for Appeal

Appeals shall be in writing and must address as applicable:

- 1) if an accommodation was denied, the accommodation originally requested and supporting medical documentation; or
- 2) if a reasonable accommodation or an alternative reasonable accommodation was granted:
 - a. the reason(s) why it is ineffective and/or untimely,
 - b. identification of an alternative accommodation or the accommodation originally requested,
 - c. the reason(s) why the requested alternative or original accommodation more effectively satisfies the employee's disability-related needs and supporting medical documentation.

d. Process for Appeal

Upon receipt of the written appeal, the Director of ADA Compliance/ADA Coordinator will begin the appellate interactive process with the employee. As part of this process, the Director of ADA Compliance/ADA Coordinator may ask for additional supporting medical documentation, and may be in direct contact with the employee, the employee's medical provider, the employee's supervisor, and/or other relevant individuals, including employees within the ADA Compliance unit involved in the issuance of the NOD.

In making the decision, the Director of ADA Compliance/ADA Coordinator will consider the material contained within the NOD, any information submitted by the employee at the NOD stage, and will permit the employee to submit other, relevant materials (including evidence and witnesses, if necessary) for consideration in the appeal. The decision of the Director of ADA Compliance/ADA Coordinator may result in:

- 1) upholding the NOD in its entirety; or
- 2) reversing the NOD in part or in whole.

The decision of the Director of ADA Compliance/ADA Coordinator is final and not subject to further appeals.

e. Standard of Appeal

The scope of appeal review is limited to determining whether an accommodation decision was reasonable under the circumstances.

D. University Applicants, Including Students or Employees Seeking Reasonable Accommodation

The university will not deny any qualified student or employee applicant with a disability admission or employment, nor will it subject any student or employee applicant to discrimination in admissions or recruitment activities on the basis of a disability. All entrance examination scores will be treated equally, regardless of any accommodation that may have been provided during testing.

For students, the university utilizes the “Common Application” and requests for accommodations can be found at:

<https://appsupport.commonapp.org/applicantsupport/s/article/What-accessibility-options-does-The-Common-Application-provide-for-applicants-with-disabilities>.

An employee applicant to a position at the university who has a disability is entitled to reasonable accommodation(s) to enable the applicant to fully participate in the application process. An employee applicant to a position at the university may contact the Human Resources recruiter for the position to which they are applying to request an accommodation, or they may contact ADA Compliance directly. Requests for accommodation during the application process will be handled as expeditiously as possible. Please see our universal [design applicant interview procedures](#).

E. Equal Access and Effective Communication

i. Architectural Barriers to Accessibility

The university provides physical access to any facility that is owned or used by CU Boulder including campus buildings, paths of travel, and other physical facilities to the extent that no individual with a disability is denied access to programs, services, or activities offered by the university as a consequence of inaccessible physical facilities. In the event construction of physical facilities obstructs a preexisting accessible route, an alternate accessible route will be provided.

The university ensures that all new structures and major renovations of existing facilities and paths of travel meet accessibility standards and guidelines as required by federal and state law. Modification and retrofit of

existing inaccessible facilities are accomplished on a priority basis as determined by the Campus Architect in consultation with the ADA Coordinator. Accessibility upgrades to existing buildings are also triggered when buildings undergo substantial renovations as required by the ADA. If a program or activity is scheduled in a location that is inaccessible to a person with a disability, the program or activity shall be made accessible through suitable methods. Methods may include, but are not limited to, relocation of the event, accessible transportation, alternate format materials, modification, or retrofit of the facility.

Students, employees or visitors to campus who encounter architectural barriers to accessing a university service, program, or activity due to a disability should contact ADA Compliance. When possible, concerns regarding access should be submitted in writing to help ensure clarity to: adacoordinator@colorado.edu, by U.S. mail or in person to Office of Institutional Equity and Compliance, Administrative and Research Center 2nd floor, University of Colorado Boulder, 557 UCB, Boulder, CO 80309.

ii. Equal Access to Services, Programs and Activities

The university provides all programs, services and activities in an integrated setting, appropriate to the needs of all participants, including persons with disabilities. Separate programs or activities for persons with disabilities may be considered only when there is no other feasible way to provide an effective accommodation in an integrated setting. The university further ensures the availability to qualified students of any program, service or activity including: library services, student orientation, campus housing, financial aid, healthcare and insurance, counseling services, career services, student employment, parking and transportation services, intramural and intercollegiate athletics, concerts, lectures, and commencement ceremonies.

Anyone on campus who encounters barriers to equally enjoy, use or attend a university program, service, or activity due to a disability should contact ADA Compliance at (303) 492-9725 or adacoordinator@colorado.edu. When possible, concerns regarding access should be submitted in writing to help ensure clarity to: adacoordinator@colorado.edu, by U.S. mail or in person to Office of Institutional Equity and Compliance, Administrative and Research Center 2nd floor, University of Colorado Boulder, 557 UCB, Boulder, CO 80309.

iii. Equal Access to Services, Programs and Activities for Individuals with Disabilities with Service Animals

The university provides people with disabilities who use service animals equal access to its programs, services and activities. A service animal refers to any dog that is individually trained to do work or perform tasks for the benefit of an

individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the person's disability. Subject to some limitations, service animals may accompany students, employees or the general public, throughout campus. Individuals accompanied by a service animal on campus who do not need any other disability-related accommodations are not required to register with Disability Services or the ADA Coordinator's office.

An emotional support animal ("ESA") does not qualify as a service animal. An ESA provides emotional or other support that minimizes one or more identified symptoms or effects of a person's disability and includes therapy animals, emotional support, or comfort animals. Unlike service animals, ESAs are not required to be trained to perform work or tasks, and they include species other than dogs and miniature horses. ESAs are generally not allowed to accompany persons with disabilities in any academic or public areas of campus. In some instances, students with disabilities may be allowed to have an ESA within campus housing facilities with prior approval. In addition, in certain instances, an employee may have an ESA approved as a reasonable accommodation.

To ensure equal access and nondiscrimination of individuals with disabilities, members of the CU Boulder community must abide by the following practices: allow service animals to accompany people with disabilities on campus; do not ask for details about a person's disabilities; do not pet, interact, or feed a service animal, as it distracts the animal from its work; do not deliberately startle, tease, or taunt a service animal; do not separate or attempt to separate a person from his/her service animal; and provide individuals with service animals with the right of way with respect to cyclists and skateboarders.

iv. Equal Access to Digital Services and Information

The university provides equal access to electronic information, including e-mail, websites, online courses, online course assignments, mobile applications, electronic documents, and other online materials. Pursuant to the [CU-Boulder Accessibility of Information and Communication Technology policy](#) and associated [CU-Boulder Campus Standards for the Accessibility of Information and Communication Technology Policy](#), any information communication technology (ICT) created, purchased, or used to carry out any university program, service or activity shall be accessible to users using assistive technology, such as a screen reader, audio media shall be scripted when relevant to the context, and video media by or for the university, when intended for public use, shall be captioned. Video media used for instructional purposes will be made accessible to persons with hearing disabilities through the use of captioning, the use of a sign-language interpreter, or by providing

the user a copy of the script. When selecting between differing methods of providing accessibility, preference should be given to the method that provides the greatest degree of accessibility.

Anyone on campus using assistive technology who is unable to access a university program, service, or activity should contact help@colorado.edu, call 303-735-4357 (5-HELP from an on-campus phone) or fill out the [accessibility feedback form](#).

v. Sign Language Interpreting and Real-time Captioning

The university provides equally effective campus communications to persons with disabilities, which includes information about the existence and location of accessible features such as: accessible parking, entrances, restrooms, and elevators.

A student on campus who requires sign language interpreting, real-time captioning, or other communication assistance in an academic setting should contact Disability Services. Any employee or member of the public who requires sign language interpreting, real-time captioning, or other communication assistance for a campus program, service, or activity should, no later than 3 days prior to the event, contact ADA Compliance at (303) 492-9725 or aslinterpreting@colorado.edu for this service.

F. Non-University Reporting/Complaint Options

ADA Compliance may refer complaints of disability discrimination or other protected class discrimination/retaliation to the investigations unit of the [Office of Institutional Equity and Compliance](#) for investigation, when appropriate. Students who experience discrimination or harassment because of a disability should contact the Office of Institutional Equity and Compliance directly at (303) 492-2127 or cureport@colorado.edu.

In addition to the institutional process noted above, a person may file a claim with:

(1) U.S. Department of Education, Office for Civil Rights (OCR)

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

Contact Information:

Director of ADA Compliance and ADA Coordinator: Danielle Yatrakis

[Office of Institutional Equity and Compliance – ADA Compliance](#)

adacoordinator@colorado.edu

Phone number: (303) 492-9725

Fax Number: (303) 492-5005