

Policy Name: Disabilities and Students/Applicants of RBHS

Approval Authority: RBHS Chancellor

Originally Issued: 1/26/1996

Revisions: 1/3/2012, 4/22/13

1. Who Should Read This Policy

The policy covers all faculty, staff, and students within Robert Wood Johnson Medical School, School of Health Related Professions, Rutgers School of Dental Medicine, New Jersey Medical School, Graduate School of Biomedical Sciences, School of Public Health, and School of Nursing (former UMDNJ School of Nursing).

2. Related Documents (refer to policies.rutgers.edu for additional information)

3. The Policy

- A. The University is committed to a policy of non-discrimination against enrolled students and applicants to the University's educational programs who are otherwise qualified individuals with disabilities and otherwise qualified individuals with a relationship or association with a person with a disability, or otherwise qualified individuals with a record of a disability.
- B. The University will, if requested, provide reasonable accommodations to otherwise qualified enrolled students and applicants with disabilities unless: (a) such accommodations impose an undue hardship to the institution, or (b) direct threats of substantial harm to the health and safety of others due to the disability cannot be eliminated by any reasonable accommodations available that would allow the student to perform the essential functions, or (c) such accommodations fundamentally alter the educational program or academic standards. Requests for accommodations must be made in accordance with each legacy UMDNJ School's accommodations policy and procedures and must be made in advance to allow appropriate time for evaluation. Accommodations, when approved, are applied prospectively and will not be made retroactively.
- C. Each legacy UMDNJ School/educational program shall define the essential functions of its curriculum with input from faculty and staff who are involved in developing and teaching the curriculum. Any changes to these essential functions shall be reviewed by the Offices of Senior Vice President and General Counsel, Disability Services for Students, and Executive Vice President for Academic Affairs prior to adoption.

- D. Applicants for admission to educational programs, accepted students and enrolled students shall be fully informed of the essential functions by means of inclusion in application forms for admission, student catalogs, student handbooks and/or other student informational material.
- E. RBHS Schools shall not make any inquiries of applicants for admission regarding the existence, nature or severity of disabilities prior to acceptance, but may inquire about the ability of applicants to meet the published essential functions of the educational program, with or without reasonable accommodations. RBHS Schools may not require pre-acceptance medical histories or physical examinations, but may condition enrollment post-acceptance on the results of a medical history and physical examination to determine ability to perform the essential functions.
- F. Accepted applicants may be requested to acknowledge ability to meet the essential functions by signing the following (or equivalent) statement: "I have read and understand the foregoing essential functions. If I require any accommodation in order to satisfy the functions, I agree to request accommodation promptly and understand that the RBHS School will evaluate the reasonableness of the accommodation before acting on the request."
- G. RBHS Schools may make inquiries of enrolled students as to disabilities and/or require medical examinations only if such inquiry or examination is related to the educational program and ability of the student to fulfill the essential functions of the educational program. If an enrolled student requests an accommodation because of a disability, information and documentation by health-care professionals may be requested of the student in order to make a determination of the student's ability to continue the educational program satisfactorily, with or without reasonable accommodation. All medical records relating to students' disabilities will be kept confidential in a file separate from academic records.
- H. Each RBHS School/educational program shall develop specific policies and procedures to ensure the initiation of an interactive process with:
 - a. applicants with confirmed disabilities who request accommodation;
 - b. enrolled students who have confirmed disabilities and request accommodation; and
 - c. enrolled students who request evaluation for a disability and request accommodation.

These policies and procedures shall be published annually in the RBHS School's official literature.

- I. Each RBHS School/educational program shall develop procedures to evaluate and document:
 - a. whether a condition identified by an accepted applicant or enrolled student is recognized as a disability under state or federal law without regard to mitigating factors, such as prescribed medication or other auxiliary aids and/or services, that may ameliorate or eliminate the disability(ies); and
 - b. whether an accepted applicant or enrolled student with a disability is otherwise qualified to satisfy the essential functions for completion of the educational program; and

- c. the reasonableness and feasibility of providing accommodations to otherwise qualified applicants or students with a disability as defined by state or federal law; and
 - d. whether (and what) reasonable accommodations are available that would allow the otherwise qualified accepted applicant or enrolled student with a disability to fulfill the essential functions without a direct threat to the health or safety of others, without fundamentally altering the educational program or the essential functions or lowering academic standards, and without creating undue hardship to the institution; and
 - e. the implementation and monitoring of reasonable accommodations which have been approved for the enrolled student or accepted applicant.
- J. Each RBHS School/educational program shall identify the person(s) or office(s) in charge of implementing and interpreting the above-mentioned policies and procedures, and receiving, investigating and resolving student complaints concerning disabilities; this information shall be included in the School's publications.
- K. The Office of Disability Services for Students is an additional resource and source of advice to the RBHS Schools with regard to their responsibilities under ADA and other applicable state and federal laws. This Office is also responsible for educational and training activities under the ADA. It will develop and conduct training sessions as well as publish and circulate pertinent materials to inform new and current members of admissions committees concerning appropriate and inappropriate topics for interviews; and to educate student affairs administrators, faculty and appropriate others who interact with students concerning their responsibilities and obligations under the ADA. In addition, this Office will assist in evaluating the costs to the RBHS Schools for providing accommodations, as well as identify non- RBHS resources for obtaining assistance.
- L. EXHIBIT

Definitions of terms under The Americans with Disabilities Act of 1990, P.L. 101-336 and the American with Disabilities Act Amendments Act (ADAAA) of 2008, P. L. 110-325.

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Nota Bene: Interpretation of these definitions is subject to changing case law and regulations. When questions arise, contact the Office of Senior Vice President and General Counsel or the Office of Disability Services for Students for the most recent interpretation.

Disability - An individual is disabled if he or she (1) has a physical or mental impairment that substantially limits one or more of the individual's major life activities; or (2) has a record of such an impairment; or (3) is regarded as having such an impairment. The current illegal use of drugs is not a "disability" under the ADA. ("Illegal use of drugs" means (1) the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act - 21U.S.C.812, or (2) the illegal use of prescription drugs.)

Physical or mental impairment - any physiologic disorder or condition, cosmetic disfigurement or anatomic loss affecting one or more of the following body systems: neurologic, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin and endocrine; any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The existence of an impairment must be determined without regard to corrective or mitigating measures such as medicines, "auxiliary aids and services" or prosthetic devices.

Auxiliary aids and services- include (1) qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments; (2) qualified readers, taped texts or other effective methods of making visually delivered materials available to individuals with visual impairments; (3) acquisition or modification of equipment or devices; and (4) other similar services and actions.

Substantially limits (one or more major life activities) - renders the individual unable to perform or significantly restricts the condition, manner or duration under which he or she can perform a major life activity in comparison to most people.

Major life activities - include, but are not limited to, caring for oneself, performing manual tasks, walking, sitting, lifting, seeing, hearing, speaking, breathing, working, reading, learning, concentrating and thinking.

Record of impairment - a history of or having been misclassified or misdiagnosed as having a physical or mental impairment that substantially limits one or more major life activities, regardless of whether the individual currently has such an impairment.

Regarded as having such an impairment - includes individuals who have physical or mental impairments that do not substantially limit major life activities but who are treated as if they had such limitations; includes individuals who have physical or mental impairments that substantially limit major life activities only as a result of the attitudes of others toward the impairment; includes individuals with no physical or mental impairment but who are treated as having such impairments.

(Otherwise) qualified individual with a disability - one who satisfies the requisite skills, experience, education, and other related requirements of the educational program and can perform the

essential functions of the educational program with or without reasonable accommodation and does not pose a direct threat of significant harm to the health or safety of others which cannot be eliminated by reasonable accommodation.

Reasonable accommodation - modifications or adjustments to the educational program, process or environment, including use of auxiliary aids and services, to enable a qualified individual with a disability to have an educational opportunity equal to that of students or applicants without disabilities. NOTE: An accommodation will not be deemed reasonable if it fundamentally alters the school's educational program or academic standards.

Undue hardship - an accommodation requiring significant difficulty or expense, i.e., that is excessively costly (in relation to the total available institutional resources), extensive, substantial or disruptive, or that would fundamentally alter the nature of the educational program or its essential functions or lower academic standards.

Direct threat - a significant risk to the health or safety of others that cannot be eliminated by modifications of policies, practices or procedures, or by the provision of auxiliary aids or services (reasonable accommodations) that would allow the performance of essential functions.

Essential functions of the curriculum - academic and non-academic requirements essential for the successful completion of all stages of the curriculum, including physical, cognitive and behavioral (technical) standards.

Interactive Process - the mandatory dialogue, either written or spoken, conducted by the school with the applicant or student who asserts a disability or handicap recognized under either state or federal law and who is otherwise qualified and is requesting or has requested reasonable accommodations to enable him or her to perform the essential functions of an educational program. NOTE: An interactive dialogue does not guarantee that all or any of the accommodations requested will be approved or provided.