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Student Disability Policy

Type

Academic (relates to academic affairs generally, faculty and/or student affairs)

Rationale

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

Stakeholders Affected by this Policy

Compliance with this policy is mandatory for applicants and students enrolled in all BCM degree-granting programs and certificate programs, and for BCM administration and faculty responsible for implementing and managing educational program technical requirements for admission in accordance with accreditation standards as well as state and federal laws.

Definitions

Auxiliary Aids and Services: Accommodations that assist students with disabilities in the educational setting will be determined on a case by case basis based upon the individual's documented disability and the technical requirements of the educational program.

Disability: A person that has a physical or mental impairment which substantially limits one or more major life activities, or a record of such impairment.

Disability Coordinator: Official within the Office of Student Services designated by BCM who is responsible for the coordination of requests for student accommodations. The Coordinator is responsible for reviewing and making recommendations for reasonable accommodations within the academic unit; the recommendations will be in compliance with the state and federal law and will be reasonable in the context of the technical standards of the student's educational program.

Qualified student with a disability: A student with a documented disability who, with or without reasonable modifications and accommodations, meets the essential eligibility requirements and requisite academic and technical standards required for admission and participation in the educational program and activities.

Reasonable Accommodations: A modification or adjustment to a course, program, or activity that enables a qualified individual with a disability to have full and equal enjoyment of the education and training offered by BCM and demonstrate an acceptable level of competency. What constitutes a reasonable accommodation will be determined on a case-by-case basis. Requests for modifications to course or program requirements that are

essential to completion of graduation competencies, or which relate directly to licensing requirements will not generally be regarded as reasonable modifications.

Policy

In selecting students and monitoring their progress through the curriculum, the faculty of the Schools of Medicine, Biomedical Sciences, Tropical Medicine, and Allied Health Sciences are guided by standards set by the Commission on Colleges of the Southern Association of Colleges and Schools, the Liaison Committee on Medical Education, Council on Accreditation of Nurse Anesthesia Educational Programs, Accreditation Review Commission on Education for the Physician Assistant, and the National Commission on Prosthetic and Orthotic Education. BCM policies are guided by the provisions of the Americans with Disabilities Act (ADA).

Though education and training of students in medicine, M.D./Ph.D. and allied health professions is the faculty's primary responsibility, the faculty is equally cognizant of its responsibilities to patients as part of the educational process, and to future patients who entrust their welfare and lives to BCM graduates. The faculty must therefore carefully consider the personal and emotional characteristics, motivation, industry, maturity, resourcefulness, and personal health of each aspiring health care provider.

Guided by the AAMC's Special Advisory Panel on Technical Standards for Medical School Admission (1979, 1993) and other applicable accreditation agencies, a qualified candidate for the M.D. degree and/or Allied Health degree must possess each technical ability and skill described herein for the six essential areas, with or without the provision of reasonable accommodations. Although exceptions may be considered depending on the program of study and other relevant factors, the faculty of the Graduate School of Biomedical Sciences also endorses these six areas as optimal for the training of future scientists. Candidates unable to meet these eligibility requirements with or without reasonable accommodation cannot be considered qualified individuals with a disability under Title III of the ADA or Section 504 of the Rehabilitation Act. Consequently, BCM is not required to provide auxiliary aids or services, nor to modify its policies or procedures to effectuate equal access for those unqualified candidates pursuant to applicable laws. The privilege to enroll and remain enrolled in the medicine, M.D./Ph.D. and allied health programs is contingent upon each student's ability to demonstrate and build upon the skills described below. Specific programs may have technical standards in addition to those listed in this policy; please refer to the program student handbook for detailed information. The six essential areas are detailed as follows:

1. **Observation:** Students must be able to observe demonstrations and experiments in the basic sciences. Students must be able to observe a patient accurately at a distance and close at hand. Observation necessitates the functional use of the sense of vision and somatic sensation. It is enhanced by the functional use of the sense of smell.
2. **Communication:** Students should be able to speak, to receive information in oral form, and to observe patients in order to elicit information, to describe changes in mood, activity and posture, and to perceive non-verbal communications. Students must be able to communicate effectively with patients. Communication includes not only speech, but also reading and writing. Students must be able to communicate effectively, efficiently, and rapidly, when required, in oral and written form with patients and with all members of the health care team.
3. **Motor:** Students should have sufficient motor function to elicit information from patients by palpation, auscultation, percussion, and other diagnostic maneuvers. Students should be able to execute motor movements reasonably required to provide general care and emergency treatment to patients within the specified scope of practice. Examples of emergency treatment reasonably required of physicians and healthcare providers include but are not limited to cardiopulmonary resuscitation, administration of intravenous medication, application of pressure to stop bleeding, opening of obstructed airways, suturing of a simple wound, and performance of simple obstetrical maneuvers.

4. **Intellectual-Conceptual, Integrative and Quantitative Abilities:** Students must be able to demonstrate ability in measurement, calculation, reasoning, analysis, synthesis and problem solving. Students must possess the intellectual, integrative and quantitative abilities to carry out these responsibilities independently.
5. **Behavioral and Social Attributes:** Students must possess the emotional health required for full utilization of their intellectual abilities, the exercise of good judgment, the prompt completion of all responsibilities attendant to the diagnosis and care of patients, and the development of mature, sensitive, and effective relationships with patients. Students must be able to tolerate physically taxing workloads and to function effectively under stress. They must be able to adapt to changing environments, to display flexibility and to learn to function in the face of uncertainties and ambiguities inherent in the clinical problems of many patients. Compassion, integrity, concern for others, interpersonal skills, interest and motivation are all personal qualities that should be assessed during the admissions and education processes.
6. **Ethical Standards:** Students must demonstrate professional demeanor and behavior, and must perform in an ethical manner in all dealing with peers, faculty, staff and patients.

A qualified candidate with a disability who meets these standards with or without reasonable accommodation may receive an offer of admission to BCM. The Disability Coordinator will work with enrolled students and other BCM personnel to determine the functional challenges imposed by the documented disability, and determine which auxiliary aids and services and/or modifications to BCM practices or procedures constitute reasonable accommodation under the totality of the circumstances. Although what constitutes a "reasonable accommodation" will be determined on a case-by-case basis, the use of a trained intermediary to observe, interpret information, and/or perform technical procedures is deemed intrinsically unreasonable. Such activities overlap with the functional skills required to demonstrate technical competency in each essential area outlined above, and are so inextricably integral to the clinical and scientific decision-making skills that BCM requires. BCM establishes this rule to prioritize the safety of the patient, emphasize the importance of complete information gathering through reliable and independent means, and maintain curricular integrity.

Newly accepted and currently enrolled students are responsible for initiating a disability-related request for reasonable accommodation or modification no less than 30 business days prior to the start of the course for which accommodation is requested. Requests received less than 30 days before the course begins will be reviewed in line with other requests, which may delay implementation of any approved accommodation or modification.

Prospective students may request information about the process for initiating a disability-related request for reasonable accommodation or modification from the Disability Coordinator in the Office of Student Services at any time during the application process. Students who have been offered admission should submit the request for accommodation promptly, before or shortly after accepting the offer of admission, in all cases at least 30 days before classes begin. Requests are processed on an ongoing basis; however, delays in implementation may occur based upon the nature of the request.

Responsibilities

Office of Student Services: The Disability Coordinator

The Office of Student Services is the primary responsible office for policy implementation, but relies on the Offices of Compliance to investigate allegations of noncompliance with this policy, and on the Office of Human Resources to implement disciplinary action. The Disability Coordinator is the designated official within the Office of Student Services responsible for determining and coordinating appropriate accommodations and/or auxiliary aids and services for qualified prospective, newly admitted, or currently enrolled students. Any questions about College compliance with these rules and policies should be directed to the Disability Coordinator. The Disability Coordinator is the primary contact and reports to the Associate Provost of Student Services in the Office of Student Services. BCM's Disability Coordinator engages personnel to prioritize BCM compliance with its obligations regarding disability non-discrimination and accommodation. Accommodations are implemented through collaboration with responsible parties, academic units and the Student Disability Committee.

Other responsibilities of the Disability Coordinator include:

1. Determine what type of documentation is necessary to establish a student's level of disability and its impact on the student's access to educational opportunities and benefits of enrollment at BCM. This is accomplished in coordination with the Student Disability Committee, which has representation from four academic units (GSBS, SAHS, SOM, NSTM) and assists with the implementation of approved accommodation requests.
2. Perform initial review and processing of all requests for accommodations according to state and federal law and the institution's policies,
3. Triage student reports of alleged harassment or discrimination, and transmit to Human Resources for subsequent investigation;
4. For accommodations involving national board examinations or examinations administered external to BCM, submit documentation to the outside entity 90 days prior to the exam date, although timely submission of documentation is ultimately the student's responsibility. Additionally, the Disability Coordinator serves as a resource and assists students and academic advisors by providing instructions and timelines for the licensure application process.
5. Determine the need for a second professional opinion concerning the nature or severity of a student's requested accommodation. If the total cost of obtaining a second opinion exceeds student insurance coverage, BCM will assume responsibility for the balance.
6. Conduct an annual review of the implementation process with the assistance of the Student Disability Committee.
7. Generate an annual report containing accommodation requests, approvals, denials, appeals and resolutions for submission to the Office of the Provost, the Office of Compliance, and the Vice President of Human Resources.
8. In addition to academic issues, coordinate non-academic issues with other entities (i.e., TMC Parking) including access to facilities and non-academic events.

Office of Compliance

The Office of Compliance will be notified if members of staff, faculty, or administration fail to comply with this policy. The Office of Compliance will take appropriate steps to investigate all reports of potential noncompliance with this policy, and will recommend disciplinary action where appropriate.

Office of Human Resources

The Office of Human Resources is responsible for managing the Dispute Resolution Process, as described in this policy under "Procedures for Implementation and Management." The VP of Human Resources will be responsible for implementing any disciplinary actions recommended by the Office of Compliance.

Procedures for Implementation and Review

The Disability Coordinator will work in collaboration with the Chairperson of the Student Disability Committee to monitor accommodation requests, approvals and denials as well as progress of implementation. The Office of Student Services will work collaboratively with the Offices of Compliance and Human Resources to effectuate equal access for qualified students with documented disabilities. Due to the collaborative nature of implementation, information about a student's disability including requests for accommodation and supporting documentation will be kept strictly confidential, except that it may be shared with parties participating in the determination of disability and/or implementation of an accommodation/modification, such as experts consulted about accommodation requests, faculty members and other BCM personnel responsible for ensuring a safe and accessible learning environment. To preserve confidentiality, Student Disability Committee members will review only de-identified student disability documentation.

I. Determination of Disability

1. The Disability Coordinator will determine whether accommodation or auxiliary aids or services are appropriate following an individual assessment of a student's written documentation and a private meeting with the student. Factors to be considered in determining the reasonableness of requested accommodations, auxiliary aids and services include but are not limited to:
 - a. The nature of the student's disability,
 - b. Accommodations, auxiliary aids and/or services that have worked for the student in the past,
 - c. Whether the requested accommodation, auxiliary aids and/or services will allow the student to effectively access and participate in the course or academic program, and
 - d. Whether the requested accommodation, auxiliary aids and/or services will fundamentally alter the essential requirements of the course or program.
2. BCM is not required to modify a course or academic program if doing so would fundamentally alter the nature of that course or program. Decisions regarding reasonable accommodation, auxiliary aids and/or services may require consultation with BCM's Student Disability Committee, faculty and/or administrators to consider the fundamental nature of a course or academic program.

II. Notification of Findings

The Disability Coordinator will provide a student with written notice regarding the determination of disability and any approved accommodations or modifications within ten (10) business days of receiving the request for accommodation. If a student's request requires additional consideration beyond the ten (10) business day timeframe, the Disability Coordinator will provide the student with written notice within ten (10) business days of the status of the request and the proposed date for a final determination.

III. Implementation of Reasonable Accommodation(s)

Some accommodations, such as auxiliary aids and services, may be approved and provided directly through the Office of Student Services. Other accommodations may require cooperation from faculty members teaching courses in which students are enrolled.

The Disability Coordinator will work with the student's course director to implement an approved accommodation and/or modification. The course director may not disclose the student's disability to any other student or faculty member without the student's consent. Faculty members may not deny an approved accommodation without consulting the Disability Coordinator to consider alternate means to accommodate a student's disability.

IV. Implementation of Reasonable Modification(s)

1. A student with a documented disability may request a modification of certain generally applicable academic requirements through timely submission of a request to the Disability Coordinator. Once the need is identified, the student must provide current documentation of the disability and a statement describing the requested modification and the basis for the request. BCM does not cover costs associated with producing or compiling initial documentation.
2. The Disability Coordinator verifies the disability is adequately documented by current information consistent with BCM requirements for documentation of a disability.
3. The Disability Coordinator then performs an individualized assessment of the student's request, including:
 - a. The nature of the disability and the relationship to the requested modification.
 - b. Whether the requested modification will provide the student with equal educational access; and
 - c. Whether the requested modification would fundamentally alter the essential requirements or standards, or would change the fundamental nature of the program.

4. The Disability Coordinator will provide written notice of a decision to the student within ten (10) business days of receiving request. The deadline may be extended for just cause. If the request is denied, the notice will include the reason for the decision.
5. A student who disagrees with a decision on the modification of academic requirements may seek Informal or Formal Resolution regarding the decision of the Disability Coordinator.

V. Dispute Resolution & Student Appeals

A student requesting a reasonable accommodation and/or modification may seek dispute resolution in accordance with the procedures below if the student believes the approved accommodation does not facilitate full and equal enjoyment of the education and training benefits offered by BCM. Two types of dispute resolution are available, and the VP of Human Resources or designee will serve as the arbitrator. Students are required to invoke the informal dispute resolution process prior to seeking formal dispute resolution.

- a. **Informal Dispute Resolution** – Within ten (10) business days of receiving notice from the Disability Coordinator or of any perceived failure to provide reasonable accommodation or modification, a student may seek informal dispute resolution through the Disability Coordinator. If the Disability Coordinator cannot reach agreement with the student to resolve the concerns informally, the Disability Coordinator will notify the student in writing, copying the Office of Human Resources, stating that the dispute remains unresolved and that the student may proceed with formal dispute resolution if desired.
- b. **Formal Dispute Resolution** – A student may formally petition for an appeal in writing. The student must submit the petition for appeal to the VP of Human Resources or designee within fifteen (15) business days of the end of the informal dispute resolution process, as signified by the date of notice to the Office of Human Resources. Petitions for appeal must include:
 - i. The original request and all supporting documentation,
 - ii. A copy of the “notice of the decision” issued by the Student Disability Committee and/or Disability Coordinator, and
 - iii. A statement of the basis for the alleged lack of access to full and equal enjoyment of BCM education and training benefits, which must describe why the approved accommodation or modification does not facilitate such access and be made on grounds other than the general dissatisfaction with the decision.
- c. As the ultimate evaluator, the VP of Human Resources or designee (hereafter “Evaluator”) will review the petition for appeal submitted by the student. The Evaluator has the discretion to interview the student, Disability Coordinator, any faculty member(s) involved and any other person deemed relevant under the circumstances. Anyone selected for an interview has a good faith duty to be candid and cooperate fully with the Evaluator, who will issue a final decision and notify the student and Disability Coordinator within fifteen (15) business days of receiving the petition. The decision of the VP of Human Resources or designee will be final. The process for appeal of a decision for modification of academic requirements will supplant all other appeal procedures provided in this policy or any other grievance procedure related to request for accommodations. The Evaluator will consider:
 - i. Whether the proper criteria and facts were considered by the Disability Coordinator and/or Student Disability Committee or whether improper or extraneous facts or criteria were considered that substantially affected the decision maker to the detriment of the student,
 - ii. Whether any procedural irregularities substantially affected the outcome of the decision to the detriment of the student, and
 - iii. Whether the decision was reasonable given the proper facts, criteria and procedure.

VI. Schedule for Policy Review & Update

This policy shall be reviewed and revised as necessary, but at least every 2 years, or more frequently based on changes to applicable law or needs identified by senior leadership.

Stakeholder Compliance

Applicants and Students enrolled in BCM degree-granting and/or certificate programs

Students must provide timely, relevant, and complete written documentation of a disability for which accommodation is requested. Students must also submit timely requests for reasonable accommodation or modification, and the request should occur no less than 30 business days prior to the start of the course. Written documentation must include:

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

Any costs related to producing or compiling this initial documentation will be the responsibility of the student and/or applicant. Students who fail to meet the requirements for written documentation and/or deadlines for submission will face delayed implementation of any approved reasonable accommodations or modifications.

Related Policies

Code of Conduct

Applicable Laws, Regulations & Standards

Section 504 of the Rehabilitation Act of 1973;

1991 Americans with Disabilities Act (ADA) & 2008 Amendments to the ADA;

AAMC Special Advisory Panel on Technical Standards for Medical School Admission, approved by the AAMC Executive Council on January 18, 1979; Medical Students with Disabilities: A Generation of Practice (AAMC 2005).