

Student Guide to Disability Accommodations

Student Disability Services
Located in Lewis Hall within Student Affairs Suite
Last Updated: January 2022

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I. GENERAL INFORMATION

A. Duties of Students

Students are responsible for disclosing the presence of a disability to the Director of Student Disability Services, providing adequate disability documentation, requesting accommodations in a timely manner, and abiding by the accommodation procedures.

B. Qualified Student with a Disability

Eastern Virginia Medical School (EVMS) recognizes its ethical and legal responsibility to provide equal opportunities for qualified students with disabilities and is committed to providing resources for such. Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act require institutions to provide certain reasonable accommodations to qualified students, when necessary, to provide an equal learning opportunity. A “qualified student” is a person with or without a disability who meets the academic and technical standards requisite to admission or participation in the recipient’s education program or activity.

C. Academic and Technical Standards

All students must meet both academic and technical standards, with or without reasonable accommodations, to progress through EVMS and graduate. Academic standards refer to acceptable demonstrations of mastery in various disciplines, before matriculation and after, as judged by faculty members, examinations, and other performance measurements. Technical standards refer to the essential aptitudes and abilities that allow students to perform in the vast array of requisite ways that are extremely important in the medical field. All graduates of EVMS must have the knowledge, skills, and other competencies to function in various clinical situations and render a wide spectrum of patient care. Without the essential capacities, students cannot fulfill the requirements of courses at EVMS. All students with or without a disability must acknowledge and certify that they have read, understands, and is able to meet the technical standards of the program in which they wish to enroll.

Meeting the EVMS technical standards for one’s particular course is, therefore, required for 1) matriculation, 2) subsequent promotion from term to term, and 3) graduation from EVMS. Please refer to your chosen degree program website to

view the technical standards. Accommodations are put in place to help students with a disability fulfill the technical standards set forth by their degree program. Before requesting accommodations, the student should refer to their program's website for technical standards, as these cannot be waived.

D. Reasonable Accommodation

Reasonable accommodations are individually determined after a student requests accommodations and submits medical documentation to support the accommodation request. The accommodations are intended to provide a student with an equal opportunity to participate in all aspects of each course/activity. Such accommodations, however, are not intended to waive the essential requirements of a program or its technical standards and do not guarantee success. Matriculation into an EVMS program assumes a certain level of cognitive and technical skill. Students with disabilities will be held to the same fundamental standards as their peers without a disability.

Although not all students should be expected to gain the same level of all technical skills, mastery of some skills is so essential that it must be achieved. Thus, reasonable accommodations will be provided to assist in learning, performing, and satisfying the fundamental standards where it does not compromise EVMS programs or interfere with the rights of other students and/or patients. Qualified students with documented disabilities will be provided with reasonable accommodations at EVMS, and those accommodations may sometimes involve an intermediary or an auxiliary aid. However, no disability can be reasonably accommodated at EVMS with an auxiliary aid or intermediary that provides cognitive support or medical knowledge, substitutes for essential clinical skills, or supplements clinical and ethical judgment. In other words, accommodations cannot eliminate essential program elements. To ensure the recommended accommodations are provided, the student must understand their role and carry out their responsibilities in arranging reasonable accommodations during their course of study.

II. PROCEDURE TO REQUEST STUDENT DISABILITY ACCOMMODATIONS

A. Contact the Director of Student Disability Services

To begin the accommodation request process, a student must self-identify to the EVMS Director of Student Disability Services, declare the disability (or suspected disability) in writing, request accommodations, and complete an intake meeting with the director.

B. Provide Documentation

The student must submit documentation that meets the criteria outlined in Section IV, General Disability Documentation Guidelines and Accommodations History. This documentation should be submitted with the [Educational Accommodations Request Form](#) or as soon after as possible. Failure to provide the required documentation could result in a prolonged accommodation request process due to insufficient documentation. Inactive files are closed at the end of each semester.

C. Interactive Process

The process of determining accommodations occurs through multiple points of discussion between the student, the Director of Student Disability Services, and the program to determine reasonable accommodations that identify and remove programmatic barriers.

The first step following a student's request for accommodations is review of the request and documentation by the Director of Student Disability Services. Following this initial review, students will engage in an access meeting with the Director to discuss the student's known or anticipated disability-related needs across the entire program. At this time, they may also discuss any gaps in the required documentation and whether the documentation meets criteria for downstream high stakes exams (e.g., The National Board of Medical Educators (NBME), other licensing exams).

If further documentation is required, it remains the student's responsibility to provide such documentation at their own expense. The Director of Student Disability Services reserves the right to make conditional accommodations, temporary accommodations, or deny an accommodation request, pending

appropriate documentation. Following the access meeting, the Director may need to *laissez* with program personnel to fully consider whether accommodations pose a fundamental alteration to the program.

After receiving all required documentation, the Director will, in consultation with the student and the program, develop a plan for accommodations. All disability accommodation recommendations are determined on an individualized, case-by-case basis taking each student's unique circumstances into account. Students are formally notified of approved accommodations via a student accommodation letter.

D. Retrieve Accommodation Letters from Maxient

Student accommodation letters are issued to the student through Maxient. Two letters outline the approved accommodations. The "student letter" is notification to the student of agreed upon accommodations and states their responsibilities for implementing the accommodation. The "faculty letter" is addressed to the Faculty, Course Director, Module Director, or Program Director of the student's academic program verifying the agreed upon accommodations.

E. Share Accommodation Letter

The student must share the "faculty letter" with individual faculty, module, program, or clerkship directors to receive the specific accommodations. Sharing this information is at the discretion of the student. It is the student's responsibility to share this letter promptly (three business days before an assessment or due date) to arrange for accommodations to be implemented. The module, program, or clerkship director is to notify the Director of Student Disability Services of any issues or need for changes. There may be occasions when the Director communicates directly with faculty or other administrators on a need-to-know basis (see the section on Confidentiality). The Director of Student Disability Services will share the letter with the Office of Student Performance and Evaluation for tests they administer.

Conditional accommodation letters may be issued. These letters include the approved accommodation and have an end date.

Accommodations cannot be implemented retroactively. A student is not entitled to accommodations in any module, clerkship, or activity if the faculty accommodations letter is not presented before specific accommodations are needed. Faculty, module, clerkship, and program directors must provide approved

accommodations to all students who have provided the faculty letter in a timely fashion (i.e., three [3] business days before an assessment or due date) to arrange for accommodations to be implemented. Individual courses or clerkships may have additional posted deadlines for some assignments. If a student's accommodation plan includes assistive devices or extensive supplemental aid, additional time may be required to make arrangements, and the Director of Student Disability Services will help to make those arrangements directly.

F. Renewal of Accommodations

Once approved, the accommodation letters are valid for the academic year. The **Accommodations Renewal Form** must be submitted to the Director of Student Disability Services no later than two weeks before orientation for didactic/pre-clinical years. Students starting clinical/clerkship rotations must submit the renewal form 4 weeks before the orientation of clinical years. Prior year accommodations are continued, new accommodation requests are processed similarly as an initial request (see B and C above).

G. Accommodations for Non-permanent impairments, temporary accommodations

For students with a non-permanent impairment (e.g., broken limb, post-surgery recovery) to receive temporary accommodations, the student follows the same procedure and documentation guidelines; however, accommodations will expire at a time designated by the provider and the Director of Student Disability Services. All temporary accommodation letters include approved accommodations and have a prominent end date on the letter.

III. ASSISTANCE ANIMALS IN ACADEMIC ACTIVITIES

A. Policy

EVMS recognizes the vital role that animals play in aiding persons with disabilities and has certain legal obligations to students with disabilities, as set forth under the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and the Fair Housing Act ("FHA"). It is the policy of EVMS that animals are not permitted in EVMS educational activities on the EVMS campus except as provided in Federal law and this policy.

B. Assistance Animals

1. **“Assistance Animal” shall have the meaning as defined under the FHA.** Specifically, it shall mean a non-pet animal that works, provides assistance, or performs tasks for the benefit of a person with a disability or provides emotional support alleviating identified symptoms or effects of a person’s disability.
2. In accordance with the FHA, residents of EVMS Campus Housing and housing provided by EVMS for away rotation activities may request assistance animals in such housing. Assistance animals, including emotional support animals, are not otherwise permitted in EVMS educational activities on the EVMS campus.
 - a. Requests for an assistance animal in EVMS residential housing should be made to the EVMS Campus Housing Manager.
 - b. Requests for an assistance animal in housing that EVMS will provide for a rotation, practicum, or other away educational activity should be made to the Clinical Education Recruitment and Support Department.

C. Service Animals

1. Definitions
 - a. **“Service animal”** shall have the meaning as defined under the ADA (Title II and Title III) and as adopted by the Department of Education’s Office of Civil Rights for Section 504 purposes. Specifically, it shall mean a dog (or in some cases a miniature horse) that is individually trained to perform work-tasks for a person with a disability and is directly related to such disability. Service dogs in training are considered service animals if they meet all of the requirements outlined in Section 51.5-44 of the Code of Virginia. Animals that serve solely to provide emotional support, comfort, and/or companionship are NOT service animals. Under the ADA, service animals must be harnessed, leashed, or tethered, unless the individual’s disability prevents using these devices or these devices interfere with the service animal’s safe, effective performance of tasks. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.
 - b. **“Student-handler”** shall mean any matriculated or visiting student and any applicant who has applied to an EVMS academic program and is visiting the EVMS campus, who has a disability, and utilizes a service animal.

c. “**Identification**” following Virginia law requires a guide dog to be in a harness, a hearing dog to be on a blaze orange leash, and any other service dog to be in a harness, backpack, or vest identifying the dog as a trained service dog. Va Code Section 51.5-4(E). Students are encouraged to submit a [Service Animal Form](#) with Student Disability Services.

2. Public Areas

a. Service animals are permitted in public areas where other animals would typically not be permitted, provided the student-handler follows federal, state, and local laws and the student-handler responsibilities.

b. Student-handlers are not required to request accommodation to bring a service animal into public areas. However, if the need for a service animal in public areas is not clear, EVMS faculty and staff may make the following ADA permitted inquiries to determine whether an animal qualifies as a service animal.

(i) Is the animal required because of a disability?; and

(ii) What work or task has the animal been trained to perform?

c. If the answer to the first question is “yes” and the student-handler appropriately and adequately describes the work task the service animal has been trained to perform, the student-handler with the service animal may access any public areas.

d. EVMS cannot require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Also, student-handlers who desire access to areas not open to the public and/or access restricted areas, such as clinical settings, laboratories, and operating facilities, should contact the Director of Student Disability Services.

3. Non-Public Areas

a. There are non-public areas where service animals may pose a substantial and direct threat to health and safety that cannot be reduced or eliminated by reasonable accommodation. The animals may be in danger, or the presence of the animals may compromise the integrity of the research/service.

b. Service animals are prohibited from entering private or restricted access areas, including, but not limited to, certain laboratories, some operation facilities, some emergency facilities, and restricted access to some clinical settings. If a student-handler wishes to enter one of these areas with the

service animal, the student must consult with the Director of Student Disability Services before entering. Ph.D. students, considered EVMS employees, should contact Human Resources to request an accommodation to bring the service animal into a non-public area.

c. The Director of Student Disability Services may make the following ADA permitted inquiries:

- (i) Is the animal required because of a disability?; and
- (ii) What work or task has the animal been trained to perform?

If the answer to the first question is “yes” and the student-handler appropriately and adequately describes the work-task the service animal has been trained to perform, the Director of Student Disability Services will work with the appropriate personnel to complete an individualized assessment of the student-handler’s request to allow the service animal into non-public areas. The individualized assessment may include the nature, duration, and severity of the risk, the probability of harm or injury, and the availability of modifications to minimize the risk.

d. If the request to bring the service animal to a non-public area is approved, the student-handler will receive approval in writing from the Director of Student Disability Services. The Student-handler is responsible for providing this letter to their course, module, clerkship, or program director before entering the Non-Public Area. The Director reserves the right to temporarily restrict the animal from a pre-approved location/activity if clinical or other issues make the presence of a service animal inappropriate or if a change in the safety of the learning environment should occur.

e. The student-handler must follow all federal, state, and local laws and student-handler responsibilities.

4. Service Animals in Non-EVMS Educational Settings

Student-handlers who require a service animal and who will be completing a clerkship, practicum, or clinical rotation to fulfill their degree program requirements at a non-EVMS location are responsible for communicating any service animal needs directly to the agency or site where they will be reporting.

5. Student-handler Responsibilities

Whether on public or non-public property, the student is responsible for:

- a. Retaining full control of the service animal at all times. The service animal may not be left in the care of anyone else while on EVMS property. To the extent possible, the service animal should be as unobtrusive as possible to other individuals and the EVMS learning environment.
- b. Actions of the service animal, including bodily injury and/or property damage. If the service animal damages EVMS property, it is to be repaired or replaced at the cost of the Student-handler.
- c. Cleaning and removing waste produced by the service animal.
- d. Compliance with state and local laws concerning animals (including registration, vaccinations, and tags).

6. Removal of Service Animals.

EVMS reserves the right to request that the service animal be removed in certain circumstances, including, but not limited to when a service animal is:

- a. Out of control or where the student-handler does not take effective action to control the service animal.
- b. Not housebroken or the student-handler repeatedly fails to clean and remove waste or maintain a clean, healthy environment for the service animal.
- c. A substantial and direct threat to the health and safety of individuals, including exhibiting threatening or aggressive behavior.
- d. Causing continuous and/or excessive damage to EVMS property or property of others.
- e. Causing continuous and/or excessive noise or disruption.

7. Conflicting Disabilities.

EVMS will make all reasonable efforts to accommodate other students who may be affected (e.g., severe allergies, asthma, etc.) by service animals in the learning environment. A student requesting a service animal-related disability accommodation must contact the Director of Student Disability Services.

EVMS and the Director will resolve any conflict in a timely manner and consider the conflicting needs and/or accommodations of all persons involved.

D. Additional Information/Grievances

For information on how to file a disability-related grievance, see Section VII of this Student Guide. A student may file a complaint by submitting the electronic [Student Disability Complaint Form](#).

IV. GENERAL DISABILITY DOCUMENTATION GUIDELINES AND ACCOMMODATIONS HISTORY

A. Documentation Guidelines

Students must provide, at their own expense, written documentation establishing that a disability currently exists and substantially limits one or more basic life activities. Disability documentation shall, at a minimum, contain the following:

1. Adequately verify the nature and extent of the disability in accordance with current professional standards and techniques. The disability must be found to substantially limit one or more major life activities.
2. Be prepared by an appropriately licensed clinical or educational professional(s) familiar with the history and functional implications of the impairment. Reports must be on letterhead, typed, dated, and signed and should provide the evaluator's credentials. It is not considered appropriate for professionals to evaluate members of their families, and documentation from a family member will not be accepted. In addition, documentation from EVMS Student Mental Health will not be accepted for new disability accommodation requests. **Documentation from EVMS Student Health is accepted.**
3. Provide evidence of current impairment, as well as, a historical record of impairment when appropriate.
4. Clearly link the functional limitation(s) to the individual student's specific accommodation request(s). The report shall explain and document via formal and informal assessment how the requested accommodation mitigates the impact of the individual's disability on the specific task or activity. Additionally, and to the fullest extent possible, the report should consider the impact of the disability and the need for the requested accommodation in a post-secondary education setting.

5. Associate the evidence from the student's assessment to each specific accommodation need. Because accommodations are individually determined, a generic list of accommodations that may or may not be appropriate for the individual should be avoided. Specific accommodation requests made by the evaluator do not guarantee that the accommodation will be granted.
6. When a student has multiple disorders, sufficient information confirming the presence of each disorder is needed as well as any relevant information regarding how the types of each disorder interact to warrant the requested accommodation.

B. Accommodations History

Each accommodation request will be handled on a case-by-case basis, including new requests from students who are currently receiving accommodation. The process of evaluating and reevaluating accommodation requests is highly interactive and requires a case-by-case review. In addition to disability documentation, the student's record of accommodation plays an important role in the evaluation and determination of services in a medical education setting. While the accommodation history does not guarantee that a particular accommodation will continue to be provided, an accommodation history provides helpful information about those services and accommodations that have positively affected the student's education. Also, when a student requests an accommodation that was not received in the undergraduate setting, the supporting documentation needs to be especially clear in substantiating the need. An Individualized Education Plan from a secondary school does not meet the requirements of an evaluation.

V. CONFIDENTIALITY

Disability information is considered private. Faculty members do not have the right to access students' disability information. Ordinarily, faculty members and other relevant staff need only know the accommodations that are necessary to provide an equal opportunity for students. There are times, however, when certain faculty members and/or administrators may have a legitimate educational need to know about a student's functional limitations. In such cases, the Director of Student Disability Services may speak directly with those individuals to ensure appropriate planning. This kind of direct communication by the Director happens if the Director has determined that members of the EVMS community have an educational need to know about a student's limitations or if an issue arises that may involve the safety and well-being of patients, students, or staff.

Students are encouraged to speak with faculty as openly as possible to facilitate better understanding and support. Students may copy presented accommodation letters for their records, but they should keep the information private. The accommodation information conveyed in the letters should be communicated only to faculty and/or staff who have an educational need to know (for instance, those involved in providing the accommodations or those responsible for the educational environment). The accommodation letter must be destroyed at the end of a course, module, clerkship, or rotation.

If a student has any questions about specific accommodations, they may contact the EVMS Director of Student Disability Services. All documentation and correspondence concerning a student's disability are kept in a separate file in the Disability Office. Information about a student's disability and accommodations forms will not become a part of a student's permanent record/file.

Eastern Virginia Medical School does not notify potential residency programs or other employers about student disabilities without specific permission from the student. Since students with disabilities, once accommodated, are held to the same standards as other students, we do not make a notation of any kind on the transcript, and all accommodation forms are destroyed by faculty at the end of each semester.

VI. APPEALS PROCESS

Any student wishing to appeal an accommodation decision made by the Director of Student Disability Services should first appeal to the Director. The student should explain in writing what specific accommodations request is being appealed, why they believe the prior decision was unfair or unreasonable, and include any available corroborating information with the letter. If a student is denied accommodation based on poor or inconclusive documentation, new documentation should be submitted with the appeal so that the Director of Student Disability Services may reevaluate the current decision. If a student disagrees with the Director's decision after an appeal has been presented, that student may make a final appeal to the Dean/Provost and President of Eastern Virginia Medical School. Once again, the student should submit a letter describing the situation and indicating why the Director of Student Disability Services' decision does not appear to be fair or reasonable. The Dean/Provost and President may wish to meet with the student to discuss the issues, consult with the Director of Student Disability Services, and/or consult with other professionals for information and perspective. The Dean's decision is final and binding and will be conveyed within ten (10) business days of receiving the appeal letter.

VII. DISABILITY DISCRIMINATION COMPLAINT PROCEDURE

Eastern Virginia Medical School is committed to resolving complaints of discrimination at the earliest and most informal level. Discrimination can include but is not limited to failure to accommodate the student's disability effectively, exclusion from an EVMS program or activity, and/or disability-related harassment

Students are urged to first bring their concerns to the person responsible for the behavior or actions. In many cases, disputes may arise due to a misunderstanding or miscommunication, and individuals will take self-corrective measures when they become aware of how their actions are being received. The matter may be concluded by mutual consent at that point. EVMS, however, recognizes that such a strategy may sometimes be inappropriate or ill-advised, especially when the conduct is egregious or when the person responsible for the behavior holds a position of authority.

If satisfactory resolution does not occur, the student may file a complaint by submitting the electronic [Student Disability Complaint Form](#) within fifteen (15) days of the alleged incident. The complaint should include detailed and concise descriptions of the alleged violation of relevant dates and other information that will assist in investigating the complaint. All Disability Complaints received by the Director of Student Disability Services will be promptly investigated.

A student may choose to file a complaint of disability discrimination with an external agency instead of or in addition to filing an internal complaint. Most external complaints should be filed with the Office for Civil Rights, DC Office, U.S. Department of Education, P.O. Box 14620, Washington, D.C. 20044-4620, (202) 786-0500; FAX# (202) 208-7797.

Additionally, retaliation against participants in any complaint proceeding is strictly prohibited.