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**POLICY TITLE:** Residential Life Reasonable Accommodation Policy

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**POLICY PURPOSE:** Fort Hays State University (FHSU or the "University") recognizes the importance of providing reasonable accommodations in its housing policies and practices where necessary for individuals with disabilities to use and enjoy University housing. This Policy explains the specific requirements and guidelines which govern requests for reasonable accommodation in University housing. FHSU reserves the right to amend this policy at any time as circumstances require.

**BACKGROUND:**

**APPLIES TO:** Students

**DEFINITIONS:**

**CONTENTS:**

**POLICY STATEMENT:** **Procedure for Requesting Reasonable Accommodation (Excluding Requests for Service Animals under the Americans with Disabilities Act Amendments Act)**

The Kelly Center ("The Kelly Center") in conjunction with Residential Life is responsible for evaluating whether to grant or deny requests for reasonable accommodation in University housing. In evaluating the request, The Kelly Center will consult with the Office of Residential Life ("Residential Life"), the FHSU Director of Equal Employment Opportunity, or outside facility as necessary, to determine whether the requested accommodation is necessary and reasonable.

Individuals with a disability who reside or intend to reside in University housing who believe they need a reasonable accommodation must contact and register with The Kelly Center.

Requests for reasonable accommodation in University housing policies and practices are governed by the following requirements:

**1. Requesting a Housing Accommodation**

After registration with The Kelly Center, an individual with a disability must complete the "Disability Accommodation Request Form for Residential Life" (the "Request Form") to request a reasonable

accommodation. Copies of the Request Form are available from The Kelly Center upon completion of a welcome appointment with a KELLY Center advisor. If the individual requires assistance in completing either the registration process or the Request Form because of his/her disability, The Kelly Center will provide assistance in completing them.

FHSU will accept and consider requests for reasonable accommodation in University housing at any time. The individual making the request for accommodation should complete and provide the Request Form to The Kelly Center as soon as practicably possible before moving into University housing. However, if the request for accommodation is made fewer than 60 days before the individual intends to move into University housing, FHSU cannot guarantee that it will be able to meet the individual's accommodation needs during the first semester or term of occupancy. If the need for the accommodation arises when an individual already resides in University housing, they should contact The Kelly Center and complete the Request Form as soon as practicably possible. FHSU cannot guarantee that it will be able to meet the accommodation needs during the semester or term in which the request is received.

Absent exceptional circumstances, the University will attempt to provide a written response to a reasonable accommodation request within fourteen (14) business days of receiving the information described in paragraph 2 below.

## **2. Information that May Be Requested for Housing-Related Reasonable Accommodation Requests**

The Kelly Center shall limit its requests for information to only the information necessary to verify whether the individual making the request has a disability and/or to evaluate if the reasonable accommodation is necessary to provide the individual an equal opportunity to use and enjoy University housing.

### **Obvious Disability**

If the individual's disability and the necessity for the accommodation are obvious (e.g. an individual with a physical disability using a wheelchair needs accessible room), the individual need only explain what type of accommodation they are requesting. No verification of disability and/or necessity is required under these circumstances.

### **Non-Obvious Disability/Necessity**

If the need for the accommodation is not obvious, the University may require the individual to complete the "Reasonable Accommodation Verification Form for University Housing" ("Verification Form") and designate a reliable third-party who can verify that the requested accommodation is necessary to provide the individual an equal opportunity to use and enjoy University housing.

A reliable third party is someone who is familiar with the individual's disability and the necessity for the requested accommodation. A reliable third-party may include, but is not limited to, mental health professional, a doctor or other medical professional, a peer support group, or a non-medical service agency (e.g., National Association of the Deaf)

Absent exceptional circumstances, within fourteen (14) working days of receiving the completed Verification Form from the third-party, the Director of The Kelly Center, in consultation with the Residential Life Accommodation Committee, will determine if the accommodation is necessary because of a disability to provide the individual an equal opportunity to use and enjoy University housing.

If the third-party returns the Verification Form without sufficient information for The Kelly Center to determine whether an accommodation is necessary, the Director of The Kelly Center will inform the individual in writing of the verification's insufficiency and may request additional information, including speaking directly with the individual supplying the third-party verification, within seven (7) business days of determination of insufficient information by the Residential Life Accommodation Committee.

The individual making the request for accommodation must cooperate with The Kelly Center in a timely manner in providing all information needed to determine whether the requested accommodation is necessary.

### **3. Determination of Reasonableness**

The Kelly Center may deny the requested accommodation if it is unreasonable. The Kelly Center shall consult with the Office of Residential Life and the Residential Life Accommodation Committee to determine if implementing the requested accommodation is reasonable.

An accommodation is unreasonable if it: (1) imposes an undue financial and/or administrative burden; (2) fundamentally alters university housing policies; (3) poses a direct threat to the health and safety of others or would cause substantial property damage to the property of others, including University property; and/or (4) is otherwise unreasonable to the operation of the University.

### **4. Approval of Accommodation**

If The Kelly Center determines a requested accommodation is necessary and is not unreasonable, it will contact the individual, in writing, within seven (7) business days of its determination, to arrange a meeting to discuss the implementation of the accommodation.

## **5. Denial of Accommodation/Appeal**

If The Kelly Center and Residential Life Accommodation Committee determine that a requested accommodation is necessary but unreasonable, The Kelly Center will contact the individual, in writing, within seven (7) business days of its determination and engage in an interactive process with the individual to determine if there are alternative accommodations that might effectively meet the individual's disability-related needs.

If the individual is unwilling to accept any alternative accommodation offered by The Kelly Center or there are no alternative accommodations available, The Kelly Center will provide a verbal explanation and written notification to the individual of the denial, the reasons for the denial, the right to appeal the decision, and the procedures for that appeals process. The notification shall be in writing and made within seven (7) business days of the notification from the individual of his/her unwillingness to accept any of the alternative accommodations offered or the determination that there are no alternative accommodations available.

All appeals are reviewed by the Vice President of Student Affairs. If the appeal is denied, FHSU's Vice President of Student Affairs shall provide written notification of the denial to the individual and a written explanation with all of the reasons for the denial.

An individual may also use the grievance procedure provided under the general University antidiscrimination policies. This grievance procedure can be found at the web site for ADA and Section 504 Grievance Procedures.

## **6. Confidentiality and Recordkeeping**

In processing requests for reasonable accommodations, the University will take all steps required by federal, state, and/or local law to protect the confidentiality of any information or documentation disclosed in connection with the requests. Such measures may include limiting Kelly Center information to individuals specifically designated to determine and implement requests for reasonable accommodations, who will disclose the information only to the extent necessary to determine whether to grant the request, determine if the request is unreasonable, and implement any request granted, keeping all written requests and accompanying documentation in a secure area to which only those designated individuals have access, except as otherwise required by law.

## 7. Non-retaliation Provision

FHSU will not retaliate against any individual because that individual has requested or received a reasonable accommodation in University housing.

**EXCLUSIONS OR  
SPECIAL  
CIRCUMSTANCES:**

**RELATED  
DOCUMENTS:**

**Policies:**

**Forms:**

**Other:**

**KEYWORDS:** Accommodation, Accessibility

**RESPONSIBLE  
OFFICE:** Kelly Center

**RESPONSIBLE  
UNIVERSITY  
OFFICIAL:** Director

**ORIGINATION DATE:** 2/2018

**REVIEW CYCLE:** Every 3 years

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**POLICY ADDRESS:**

**LAST  
APPROVED ON:** Adopted by Cabinet 2/28/20018

**REVIEW/CHANGE  
HISTORY:**

**NEXT REVIEW  
DATE:** 2/2021

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