

Chancellor's Memorandum

**CM-26 – Policy on Compliance with the Americans with Disabilities Act**

Issued: July 9, 1992

Revised: September 19, 2022

**I. PURPOSE**

LSU Health Sciences Center at New Orleans (LSUHSC-NO) is committed to promoting an atmosphere that prevents discrimination against individuals with disabilities, to bringing persons with disabilities into the social and economic mainstream, to providing enforceable standards to address discrimination against individuals with disabilities, and to providing reasonable accommodations or auxiliary aids or services for persons with disabilities.

LSUHSC-NO prohibits discrimination and harassment against persons with disabilities in all activities, programs, public services, transportation, public accommodations, information technology, and employment. It is the policy of LSUHSC-NO that equal treatment and opportunity will be provided to all persons, without regard to disability, in the recruitment of, admission to, participation in, or employment in the programs, activities, and events operated and sponsored by LSUHSC-NO.

**II. DEFINITIONS (consistent with the ADA)**

1. **Accessible:** refers to a site, facility, work environment, service, or program that is easy to approach, enter, operate, participate in, and/or use safely and with dignity by a person with a disability.
2. **ADA Coordinator:** the LSUHSC-NO representative responsible for coordinating its efforts to comply with the ADA/ADAA, whose name is Leigh Smith-Vaniz, Office of Disability Services & Title IX, 433 Bolivar St, Room 826A, New Orleans, LA 70112, 504-568-2211.
3. **Disability:** refers to an individual's physical or mental impairment that substantially limits one or more of the major life activities; a record of such an impairment; or being regarded as having such an impairment.
4. **Emotional Support Animal:** any animal breed that provides emotional support but has not been trained to perform tasks for persons with disabilities. Emotional support animals are not qualified as service animals and are not permitted as a reasonable public accommodation but may be allowed in LSUHSC-NO campus housing under the Fair Housing Act (FHA) or as an employee accommodation determined through the interactive process.
5. **Information Technology Environment:** all software; web-based applications; website design, development, hosting, maintenance, and archiving services; cloud-based applications and storage services; and digital hardware interfaces. It includes LSUHSC-NO material displayed on the World Wide Web or in a Web browser, including official LSUHSC-NO websites and electronic instructional material (text and multimedia) delivered within LSUHSC-NO's learning management system.
6. **Reasonable Accommodation:** a modification or adjustment to a job, a course, a program, the work environment, or normal and standard operating procedures that enables a qualified individual with a disability to enjoy an equal opportunity.
7. **Service Animal:** dogs trained to perform tasks for persons with disabilities and permitted as a reasonable public accommodation.
8. **Undue Hardship:** an action that requires significant difficulty or expense in relation to the size of the employer, the resources available, and the nature of the operation. The concept includes any action that

is unduly costly, extensive, substantial, disruptive, or would fundamentally alter the nature or operation of the business or course.

### III. POLICY GUIDELINES AND PROCEDURES

#### 1. Employees and Applicants for Employment

- a. LSUHSC-NO does not discriminate against individuals with disabilities in hiring, advancement, discharge, compensation, training, and other terms and conditions of employment. LSUHSC-NO will provide reasonable accommodations to applicants or employees with a disability, upon request, for purposes of participating in the application and interview process, performing the essential functions of the job, or providing equal opportunity to access the benefits and privileges of employment, unless the accommodation presents an undue hardship on LSUHSC-NO.
- b. In all cases in which an employee or an applicant for employment requests an accommodation based upon disability, that person shall contact HRM at [HRMADA@lsuhsc.edu](mailto:HRMADA@lsuhsc.edu) to begin the interactive process and complete all necessary forms for assistance in processing the request.
- c. For employees whose responsibilities are primarily clinical, the ability to provide accommodations may also be subject to the policies and guidelines of the various clinical sites to which the employee may be assigned.
- d. Service Animals are permitted on the LSUHSC-NO campus. Clinical sites where employees are assigned may have different policies and guidelines regarding the presence of Service Animals. Emotional Support Animals are not considered qualified Service Animals under the ADA/ADAA but may be considered on a case-by-case basis.

#### 2. Students & Prospective Students

- a. LSUHSC-NO shall not discriminate on the basis of disability in any academic program, activity, or event associated with LSUHSC-NO.
- b. The Office of Disability Services (ODS) at LSUHSC-NO determines, coordinates, and helps provide all disability-related reasonable accommodations or auxiliary aids or services for enrolled students with documented temporary and/or permanent disabilities at LSUHSC-NO. ODS serves as a campus resource for matters concerning persons with disabilities and provides information to potential students and their families on services available to students with disabilities.
- c. A prospective student with a disability will not be denied admission or subjected to discrimination in admission or recruitment to LSUHSC-NO based on their disability. Students will be recruited without regard as to whether or not a potential student has a disability. All admission criteria and testing will be selected and administered in a manner accessible to those with a disability.
- d. Some programs require students to meet certain technical standards encompassing the following skills: observation; communication; motor function and coordination; intellectual abilities: conceptual, integrative, and quantitative; and behavioral and social attributes. Students are expected to be able to perform these skills with or without reasonable accommodations.
- e. Prospective students may voluntarily self-identify as an individual with a disability during the admissions process and will be routinely provided information about LSUHSC-NO services available to students with disabilities. LSUHSC-NO does not allow adverse actions to be taken against or imposed upon any person who self-identifies as having a disability
- f. A student or prospective student who seeks an academic accommodation/auxiliary aid must complete the necessary forms and schedule a meeting with ODS. In all cases in which a student or prospective student requests an academic accommodation or auxiliary aid based upon disability, the student may be required to provide current documentation of a disability from an

appropriately licensed professional that clearly identifies the nature of the disability and how the disability affects a major life activity.

- g. When an auxiliary aid is requested, ODS will give primary consideration to the student's preference.
- h. Academic accommodations and auxiliary aids and services will be considered by ODS on a case-by-case basis. Such accommodations, auxiliary aids and services may not fundamentally alter the nature of a service, program, or activity, or create an Undue Hardship.
- i. Service Animals are permitted on the LSUHSC-NO campus. Clinical sites where students are assigned may have different policies and guidelines regarding the presence of Service Animals. Emotional Support Animals are not considered qualified Service Animals under the ADA/ADAA but may be considered on a case-by-case basis.

### 3. Visitors and Guests

- a. Visitors and guests with disabilities are welcomed on the LSUHSC-NO campus. If an accommodation is necessary to ensure access to a program, activity, service, or event, the visitor or guest should contact the ADA Coordinator at least five (5) business days in advance, if possible, to ensure that necessary accommodations can be made.
- b. Service Animals are permitted on the LSUHSC-NO campus. Emotional Support Animals are not considered qualified Service Animals under the ADA/ADAA and are not permitted.

## **IV. MAINTENANCE OF DOCUMENTATION**

- 1. In order to satisfy annual reporting requirements pursuant to La. R.S. 46:2596, documentation of the interactive process required for all accommodation requests shall be maintained by the LSUHSC-NO representative to whom such request was submitted.
- 2. Documents to be maintained shall include the accommodation requested and discussed; any equally effective accommodation(s) identified; business reasons for decisions made; and action taken on the accommodation request.

## **V. ASSURANCE OF CONFIDENTIALITY**

- 1. LSUHSC-NO will request only such information about an individual's disability as is necessary for its representatives making an accommodation decision to determine the need for and the manner in which the disability may reasonably be accommodated.
- 2. ODS and HRM will maintain in confidence all private health information regarding an individual's disability. Such private health information will be maintained separate from academic records and/or employment files. Such private health information will not be disclosed outside of ODS or HRM without the express written consent of the person provided an accommodation based on disability.

## **VI. ACCESSIBLE INFORMATION TECHNOLOGY ENVIRONMENT**

- 1. LSUHSC-NO supports an Information Technology Environment that enables equal access to all constituencies. Accessible digital content augments usability for everyone, and LSUHSC-NO strives to procure and provide digital applications and content that are accessible to people with disabilities, including those who use assistive technologies. LSUHSC-NO is guided by applicable accessibility standards such as Section 508 of the Rehabilitation Act.
- 2. For all public-facing websites, websites that require login credentials, and in-house applications, the LSUHSC-NO responsible unit will incorporate applicable accessibility standards into the web content, and will address any accessibility issues identified through testing or end-user feedback in a timely manner.

## **VII. PROCEDURES FOR FILING APPEALS, GRIEVANCES, & COMPLAINTS**

- 1. Issues concerning accommodation of persons with disabilities for employment and participation in

academic and other programs, activities and services of LSUHSC-NO should be expeditiously resolved between the person requesting the accommodation and the LSUHSC-NO employee representing the department within which the employment, academic program, or other program, activity, or service is located.

2. If an individual is not satisfied with a proposed accommodation and wishes to appeal a decision, that individual may pursue the following procedures:
  - a. A student or prospective student who believes that a request for an academic accommodation/auxiliary aid has been unreasonably denied by ODS may file a written appeal with the Vice Chancellor for Academic Affairs (VCAA) within 14 days of the ODS decision. Only agreed-upon academic accommodation(s)/auxiliary aid(s) will be provided while a final decision is pending. The ADA Coordinator will provide a response to an appeal within fourteen (14) business days of receipt.
  - b. An applicant, employee, or student with employment-related matters who believe that a request for employment accommodation has been unreasonably denied may file a written appeal with the ADA Coordinator or the Director of HRM within fourteen (14) business days of the decision. A response to that appeal will be provided within fourteen (14) business days of receipt.
3. If a member of the general public wishes to file a grievance about the general accessibility of facilities or other related matters, they may file a written grievance with the VCAA.
4. Persons who wish to make a complaint about alleged discrimination, failure to provide approved accommodations, or lack of accessibility may make a written complaint as follows:
  - a. Complaints must be specific, including a detailed description of the incident with the date, time, and location as well as the names of individuals involved and witnesses.
  - b. Complaints related to LSUHSC-NO employees should be submitted to the HRM Employee Relations Division.
  - c. Complaints related to students should be submitted to ODS.
  - d. Complaints related to ODS personnel should be submitted to the VCAA.
  - e. Complaints related to HRM personnel should be submitted to the Vice Chancellor for Administration and Finance (VCAF).
  - f. Within fourteen (14) days of receipt of a complaint, the recipient office will commence an investigation, will make findings, and will, within a reasonable time given the particular circumstances of the complaint, determine an appropriate resolution and provide written notice of the decision to the complainant.
  - g. Should the complainant wish to further appeal any such decision of the VCAA or the VCAF, a written appeal including all relevant documentation may be submitted to the Chancellor. Within fourteen (14) days of receipt of such appeal, the Chancellor's Office will commence an investigation, will make findings, and will, within a reasonable time given the particular circumstances of the appeal, determine a resolution of the matter and provide written notice to the complainant. The decision by the Chancellor in any such matter shall be final and unappealable.

#### **VIII. PROHIBITION AGAINST RETALIATION**

1. LSUHSC-NO prohibits retaliation against any individual for filing a charge of discrimination, opposing any practice or act made unlawful by the ADA, or for participating in any proceeding under the ADA. Further, LSUHSC-NO will not retaliate against any person for filing a grievance or complaint and will not knowingly permit retaliation by management or co-workers.
2. LSUHSC-NO prohibits any act to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of rights under the ADA or for aiding or encouraging any other person in the exercise or enjoyment of rights under the ADA.
3. If LSUHSC-NO determines that unlawful retaliation has occurred, it will take remedial action

commensurate with the severity of the offense and appropriate action to deter future retaliation.

4. LSUHSC-NO will inform the person subject to any such retaliation of any such actions taken.

#### **IX. REFERENCES**

[LSUHSC-NO Office of Disability Services](#)

[LSUHSC-NO Employee Relations, Human Resources Management](#)

[Americans with Disabilities Act of 1990](#)

[ADA Amendments Act of 2008](#)

[Rehabilitation Act of 1973, Section 504](#)