

Reasonable Accommodation for University Housing Policy

Policy Statement:

Marywood University recognizes the importance of providing reasonable accommodations in their housing policies and practices where necessary for individuals with disabilities to use and enjoy University housing. This policy explains the specific requirements which govern requests for reasonable accommodation in University housing.

Definitions:

N/A

Procedures:

I. Determination for the Right to a Reasonable Accommodation for University Housing

The Office of Student Disability Services is responsible for evaluating whether to grant or deny requests for reasonable accommodation in University housing. In evaluating the request, Student Disability Services will consult with the Office of Housing and Residence Life, 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 and believe they need a reasonable accommodation must contact Student Disability Services. Requests for Service Animals under the Americans with Disabilities Act Amendments Act is covered under the Emotional Support Animals Policy.

II. Requesting a Reasonable Accommodation for University Housing

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

- a.** An individual with a disability must complete the Reasonable Accommodation for University Housing Request Form (the "Request Form") preferably before moving into University housing. See link below for an electronic copy of the Request Form. A hard copy of the Request Form is also available from the Office of Student Disability Services. If a student requires assistance in completing the Request Form, they should contact the Office of the Student Disability Services and assistance will be provided.
- b.** Marywood University will accept and consider requests for reasonable accommodation in University housing at any time. If a request for accommodation is made fewer than ninety (90) days before the individual intends to move into University housing, Marywood cannot guarantee that the individual's accommodation needs will be met for the upcoming semester or term of occupancy.

- c. If the need for the accommodations arises when an individual is a resident in University housing, they should contact Student Disability Services immediately and complete the Request Form as soon as practical. Marywood is unable to guarantee that an individual's accommodation needs will be met during the semester or term in which the request is received.
- d. Marywood will make all reasonable efforts to provide a written response to a reasonable accommodation request within thirty (30) business days of receipt of all required-information set forth below.

III. Information that May Be Requested for Reasonable Accommodation Requests for University Housing

Disability Services shall limit its requests to only 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.

- a. **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 an accessible room), the individual need only explain what type of accommodation she or he is requesting. No verification of disability and/or necessity is required under these circumstances.
- b. **Non-Obvious Disability/Necessity:** If the disability is obvious but the need for the accommodation is not obvious, the University may require the individual to complete the Reasonable Accommodation for University Housing Verification Form ("Verification Form"). The individual must 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.
 - i. If the disability and need for accommodation are not obvious, Student Disability Services will require the individual to complete the Verification Form and designate a reliable third party who can verify that the individual has a disability and that the requested accommodation is necessary to provide the individual an equal opportunity to use and enjoy University housing.
 - ii. A reliable third party is someone who is familiar, as a result of an ongoing professional relationship, with the individual's disability and the necessity for the requested accommodation. A reliable third-party includes, but is not limited to, a medical, licensed physician, mental health professional, or other medical professional.
 - iii. Absent exceptional circumstances, within thirty (30) business days of receipt of the completed Verification Form, the Director of Student Disability Services will determine if the accommodation is necessary to provide the individual an equal opportunity to use and enjoy University housing.
 - iv. If the third party returns the Verification Form without the sufficient information for Student Disability Services to determine whether an accommodation is necessary, the Director of Student Disability Services will

inform the student in writing within (30) thirty days of the verification's insufficiency and may request additional information, including a request to speak directly with the individual supplying the third-party verification.

- v. The individual making the request for the accommodation must fully cooperate with Student Disability Services in a timely manner by providing all information needed and requested to determine whether the requested accommodation is necessary.

IV. Determination of Reasonableness

Student Disability Services may deny the requested accommodation if it is unreasonable. Student Disability Services shall consult with Housing and Residence Life to determine if implementing the requested accommodation is reasonable. An accommodation is deemed unreasonable if it:

- a. Imposes an undue financial and/or administrative burden on the University;
- b. Fundamentally alters University housing policies;
- c. 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
- d. Is otherwise unreasonable to the operation of the University.

V. Approval of Accommodation

If Student Disability Services determines a requested accommodation is necessary and is not unreasonable, it will contact the individual, in writing, within thirty (30) business days of its determination, to schedule a meeting to discuss the implementation of the accommodation.

VI. Denial of Accommodation/Appeal

If Student Disability Services determines a requested accommodation is necessary but unreasonable, Student Disability Services will contact the individual, in writing, within thirty (30) 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 an individual is unwilling to accept any alternative accommodation offered by Student Disability Services or there are no alternative accommodations available, Student Disability Services 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 appeal process. The notification shall be in writing and provided within thirty (30) 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.

Marywood University ADA/Section 504 Compliance Officer will review all appeals. If the appeal is denied, the Marywood University ADA/Section 504 Compliance Officer shall provide written notification of the denial to the individual and a written explanation with all the reasons for the denial.

VII. Confidentiality and Recordkeeping

In processing requests for reasonable accommodations, the University will comply with all applicable federal, state, and/or local laws to protect the confidentiality of any information or documentation disclosed in connection with the requests. Such measures may include limiting access to such information to individuals specifically designated to determine and implement requests for reasonable accommodations. Such individuals 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. All written requests and accompanying documentation will be maintained in a secure area to which only those designated individuals have access, except as otherwise required by law.

VIII. Non-retaliation Provision

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

REASONABLE ACCOMMODATION FOR UNIVERSITY HOUSING REQUEST FORM

REASONABLE ACCOMMODATION FOR UNIVERSITY HOUSING VERIFICATION FORM

History:

10/31/19 – The establishment of the Reasonable Accommodation for University Housing Policy with corresponding forms were approved by the President of the University as recommended by the Policy Committee of the University at its October 24, 2019 meeting.

Related Policies:

N/A

MARYWOOD UNIVERSITY POLICIES AND PROCEDURES MANUAL

**Mary Theresa Gardier Paterson, Esquire
Secretary of the University and General Counsel**