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## Policy Name

Fundamental Alteration Review

## Purpose and Scope of Fundamental Alteration Review

Under the Americans with Disabilities Amendments Act of 2008, “A public entity must reasonably modify its policies, practices, or procedures to avoid discrimination. If the public entity can demonstrate, however, that the modifications would fundamentally alter the nature of its service, program, or activity, it is not required to make the modification” (ADA Title II Technical Assistance Manual).

## Responsibilities

Title or Role	Definition and What They are Responsible For
Office of Accessibility Services	Receives exceptions to the policy.
Senior Vice President of Academic Affairs and Provost	Maintains and enforces this policy. Receives exceptions to the policy.
Senior Leadership Team	Serves as final approval for policy and assists with reviewing exceptions to the policy.

## Policy

Alvernia adheres to federal laws and regulations under the Americans with Disability Act and uses the procedures defined below to provide such accommodations to students.

### Overview

Through various Department of Justice Office of Civil Rights case resolutions, the federal government has clarified that colleges and universities must:

1. Engage in an individualized, interactive process with each student request for accommodations and avoid blanket statements or policies regarding accommodations ([OCR No. 10-16-2203](#))
2. Not require the student to be put in the place of requesting their accommodation more than once and must not be left to negotiate their accommodation with faculty ([OCR No. 01-16-2113](#))
3. Render decision of whether an accommodation may fundamentally alter an essential course/program objective through a group of knowledgeable and trained individuals at the college within the program and the disability services office ([OCR No. 01-16-2120](#); [03-14-2248](#))
4. Ensure the group pursues a thoughtful, careful, rational review of the course/program essential objectives and requirements ([OCR No. 01-16-2120](#))
5. Consider a series of alternatives and modifications that do not fundamentally alter the course/program even if it is not the accommodation originally requested ([OCR No. 01-16-2120](#)).

Whether the approved accommodation would alter an essential requirement of a course or program must be determined case-by-case. The goal is to separate general expectations and what has always been done from the essential objectives and components of the course or program. Methods of instruction and assessment can be examined to determine how information is taught and what alternative opportunities are available for teaching and learning the information, the

format of materials, skills, etc. Flexibility in achieving outcomes may be appropriate depending on the nature of the course and its requirements.

### **Defining Essential Requirements**

Essential requirements are the core learning outcomes (such as skills, knowledge, or licensure requirements) all students must demonstrate, with or without accommodations, which are part of a larger interconnected curriculum related to an academic program or degree.

### **Establishing Essential Requirements of the Course**

- Clearly articulate and publicly document the overall purpose of the course/program.
- Identify required mastery of specific skills, knowledge, principles, and concepts.
- Convey the framework used to set academic and program standards.
- Ensure fair deliberation when determining if the requested accommodation would be a fundamental alteration.

### **Policy Procedure**

If a faculty member/instructor is concerned that an accommodation fundamentally alters an essential requirement or course objective of a course or academic program, the following deliberative process will be followed:

- 1.1. The Director of Accessibility Services is contacted to consult on the concern
- 1.2. Determination of the Essential Components of the Courses or Programs: The instructor must complete The Fundamental Alteration Request for Review Form linked below
- 1.3. The Director of Accessibility Services will convene a committee: The Director may involve campus partners as needed such as:
  - Faculty member within academic program/course
  - Chair of the academic department
  - Academic Advisor
  - Dean of College
  - Other knowledgeable and trained administrators deemed appropriate in determining the reasonableness of the request, fundamental requirements of the course or program, or the possible alternatives to accommodate the student.

The Committee bears the following responsibilities:

- If a reasonable basis exists to believe there is a legitimate fundamental alteration question, the committee will verify that the instructor, department, and/or program have articulated the essential requirements for the course and/or program and provided adequate notice to students.
- The committee will be objective people who are collectively knowledgeable about the academic area, any related licensing requirements, any applicable accreditation for the course of study, the student's disability, and accommodation methods. The committee will not be limited exclusively to individuals from the department that provides the course or program.
- The committee will identify the requirement's objective, considering the information provided by the instructor, program or department concerning essential requirements, including curriculum approval or course creation documents. The committee will ensure the requirement

is not based on tradition or routine practice without direct connection to essential requirements.

- The committee will consider whether the requirement is consistent with similar programs at other educational institutions, and with relevant national and expert guidelines; and whether there is any unique justification for a requirement that is not adopted by other educational institutions.
- The committee will maintain confidentiality as it relates to the student's disability.
- Provide a timely resolution to the determination of fundamental alteration.
- **The Accessibility Services' approved accommodation must remain in place until the committee has made a final determination if the accommodation is denied or modified.**

1.4. The Director of Accessibility Services will notify the student that the accommodation is Under Review

1.5. The Director of Accessibility Services will determine if the Accommodation is a Fundamental Alteration by reviewing Essential Elements and Academic Program Essentials as defined below:

- Essential Elements
  - What is the purpose of the course
  - What are the pre-requisites or other background knowledge needed?
  - What core outcomes/expectations are stated on the syllabus and required of all students? Essential requirements are the core learning outcomes (including skills and knowledge) all students must demonstrate, with or without using accommodations, which are part of a larger interconnected curriculum related to a program or degree.
  - What specific knowledge, principles, skills, or concepts must be mastered and demonstrated?
  - What aspects/requirements constitute a significant component of the learning process?
  - Could an alternative achieve the same result?
  - What are the essential instruction methods fundamental to the course's nature?
  - Are any methods of instruction non-negotiable? Do other sections use other methods of instruction?
- Academic Program Essentials
  - What skills or competencies will be needed within the field after graduation?
  - What are the requirements for licensing or professional accreditation?
  - Is there any other relevant information needed for the committee to consider?

1.6. Final Step- Notify Student. After deliberation, the Director of Accessibility Services informs the student of the final decision from the group of knowledgeable college professionals engaged in the process. If the accommodation is denied or modified, the Director of Accessibility Services will provide a written explanation of the reasons why it was denied or modified and opportunities for the student to respond to the decision.

Approved versions of this policy will be posted on the AU Portal.

## Exceptions to Policy

Exceptions to this policy must be requested in writing by filling out the Policy and Procedure Exception form (linked below) and submitting it to the individual named in the Responsibilities section who assists with reviewing exceptions to this policy.

## Policy Review

This policy should be reviewed on a five year cycle and updated when institutional needs or goals change.

## References and Related Policies

This section contains any other policies, 3<sup>rd</sup> party standards, or guidelines referenced by this policy.

### References

N/A

### Related Policies

N/A

## Exhibits

This section contains any forms or exhibits referenced by this policy.

- [Policy and Procedure Exception Form](#)
- [Fundamental Alteration Request for Review Form](#)

## Document Review Log

Date	Description of Changes
6/4/2024	Initial Draft