



Accommodation of Persons with Disabilities at BYU Procedures

Americans with Disabilities Act

The Americans with Disabilities Act (commonly referred to as the “ADA”) was enacted into law in 1990 and was modeled after Section 504 of the Rehabilitation Act of 1973. The ADA attempts to establish a uniform national program to protect persons with disabilities from discrimination. One of the areas most significantly impacted by the ADA at Brigham Young University (“BYU”) is employment (Title I). While BYU is obligated to observe ADA provisions with respect to employment, the ADA exempts entities such as BYU, which are owned and controlled by religious organizations, from the provisions of the public accommodations (Title III) of the ADA. BYU will attempt in good faith to comply with those provisions of the ADA from which it is exempted to the extent reasonably practicable as determined at the sole discretion of BYU.

Disability law is generally enforced through the federal and state equal opportunity agencies, and unlawful discriminatory action by the university may result not only in litigation against the university, but in the possible loss of federal financial assistance. In view of the extensive legal regulation designed to assist persons with disabilities and to heighten public sensitivity to barriers faced by persons with disabilities, it is important the campus community be informed of its responsibilities under applicable disability law.

Section 504

Section 504 of the Rehabilitation Act of 1973 (commonly referred to as “Section 504”) is a broad anti-discriminatory federal statute legally applicable to BYU as a recipient of federal financial assistance. This Act prohibits discrimination against otherwise qualified individuals with disabilities desiring to participate in BYU’s programs and activities and requires BYU to provide reasonable accommodations for them, provided such action does not place an undue hardship on the university. Section 504 is most generally applicable to BYU with respect to the accommodation of personnel and students with disabilities.

Section 504 contains extensive regulations that govern a number of BYU programs and activities, including, but not limited to, admissions, academic programs, auxiliary aids, student housing, financial aid, employment, career counseling and placement, physical education and athletics, extracurricular and social activities, health care and health insurance, and transportation services.

Funding Reasonable Accommodations for Students and Personnel with Disabilities

A general fund to provide reasonable accommodations for students and personnel with disabilities is administered by the student life vice president. Colleges and departments that require financial assistance beyond their means to provide reasonable accommodations for students and personnel with disabilities will send their request to the Disability standards



Compliance Committee (DSCC) for review. The DSCC will evaluate the request and make a recommendation, based upon legal and ethical considerations, to the student life vice president. The student life vice president will determine whether or not funds are to be disbursed from the general fund account to the college or department.

The University Accessibility Center should act as consultant to other university organizations in helping them carry out their responsibility to provide reasonable accommodations for students, but it will not be required to fund accommodations beyond its specific charge.

Service and Pet Therapy Animals

BYU is committed to reasonably accommodate persons with disabilities who require the assistance of service or therapy/emotional animals. However, the university is also mindful of the health and safety concerns of the campus community. Thus, the university must balance the need of the individual with the disability with the potential impact of service and therapy animals on other campus patrons. The University Accessibility Center (UAC) is responsible to oversee the use of service or therapy animals.

Student Disability Grievance Procedures

Faculty members and individual campus administrative units are responsible to make reasonable accommodations for students with disabilities in order to remove barriers to the accessibility of university programs and activities resulting from a disability. They are encouraged to contact the University Accessibility Center (UAC), 2170 WSC, 801-422-2767, for general accommodation assistance for students with disabilities. While it is anticipated that most accommodation requests will be informally resolved at the lowest level of decision-making feasible, occasionally the effort of accommodation may be unsatisfactory to the student. In such cases, the student, whether or not currently enrolled, may initiate a grievance by following the university's [Discrimination Complaint Procedures](#).

Personnel Disability Grievance Procedures

It is the policy of BYU not to discriminate in employment against qualified individuals with a disability who, with or without reasonable accommodation, can perform the essential functions of an employment position without creating an undue hardship on BYU. Reasonable accommodation is usually accomplished by joint and flexible problem solving between the employer and the individual with a disability. Essential functions are those fundamental job duties that are intrinsic to the employment position and that are not marginal, peripheral or incidental to the performance of the job. Undue hardship is any accommodation action which would be unduly costly or which would fundamentally alter the nature of a job.



Individuals who believe they have been unlawfully discriminated against on the basis of disability in employment may seek resolution through following the university's [Discrimination Complaint Procedures](#).

Disabled Personnel Parking Accommodation

BYU is committed to complying with applicable disability law and has provided parking spaces specifically marked for use by persons with disabilities. Personnel with disabilities are urged to utilize these parking spaces. However, otherwise qualified personnel with disabilities may request reasonable accommodation in the form of an individual parking stall reserved for a particular individual if needed to make the work place accessible.

Any personnel requesting such accommodation are directed to obtain and complete an application form from the university's equal opportunity manager. As part of the application, the personnel must provide evidence of a disability special group license plate or placard issued from the State of Utah, medical documentation from a licensed physician concerning the applicant's physical limitations and the expected length of time the applicant will likely remain disabled, and a letter from his or her immediate supervisor indicating whether or not the supervisor supports the application.

Upon receiving the application, the equal opportunity manager will convene a meeting as soon as practical with the Disability Parking Committee (comprised of the equal opportunity manager, representatives of the Traffic Office, University Accessibility Center, and the Student Health Center) to consider the application. As needed, further investigation of the applicable facts and circumstances underlying the application will be conducted by a member of the Disability Parking Committee. At the conclusion of this process, a good faith attempt will be made to facilitate a parking arrangement that is mutually acceptable to the Disability Parking Committee and a qualifying applicant.

In the event that an arrangement acceptable to the committee and applicant is not reached, the matter will be referred to a three-person panel, appointed by the assistant administrative vice president-Human Resource Services (for university personnel) or the student life vice president (for students), consisting of a licensed physician from the Student Health Center, a member of the Risk Management and Safety Department, and any person employed by the university who is mobility impaired. This panel shall review the application, conduct such investigation to determine if it is reasonable and necessary, and make a recommendation as to the disposition of the application to the assistant administrative vice president-Human Resource Services (for university personnel) or the student life vice president (for students), who shall make the final determination.



APPROVED: 7 Apr 2014 [Revised 3 Aug 2020]

PRIOR VERSION: 8 Dec 2005

APPLICABILITY: These procedures apply to all university personnel and students.

POLICY OWNER: Vice President of Administration and Finance

RESPONSIBLE OFFICE: Equal Opportunity Office, University Accessibility Center

RELATED POLICIES:

- [Accommodation of Persons with Disabilities at BYU Policy](#)
- [Animals on Campus Policy](#)
- [Discrimination Complaint Procedures](#)
- [Nondiscrimination and Equal Opportunity Policy](#)
- [Web Accessibility Policy](#)