

NOTICE OF NEW REGULATION

September 5, 2014

DEPARTMENT OF EDUCATION

Division of Universities
University of North Florida

REGULATION TITLE:

Disability Access Obligations for Programs, Events or Activities at University Venues

REGULATION NO.:

1.0080R

SUMMARY:

The proposed new regulation provides students, faculty, staff and visitors with access and the ability to participate in programs, events and activities sponsored by the University. The proposed new regulation was formerly a policy, but since it impacts the University community and beyond, it is being promulgated as a regulation.

FULL TEXT:

The full text of the regulation being proposed is attached.

AUTHORITY:

Florida Board of Governors Regulation 1.001 and 2.003.
Americans with Disabilities Act of 1990, 28 CFR Part 35; Section 504 of the Rehabilitation Act of 1973 and its subsequent amendments 29 U.S.C. § 701-797.

UNIVERSITY OFFICIAL INITIATING THE PROPOSED REGULATION:

Tom Serwatka, Vice President and Chief of Staff

INDIVIDUAL TO BE CONTACTED REGARDING THE PROPOSED REGULATION:

Stephanie Howell, Paralegal, Office of the General Counsel, showell@unf.edu, phone (904)620-2828; fax (904)620-1044; Building 1, Room 2100, 1 UNF Drive, Jacksonville, FL 32224.

Any comments regarding the proposed new regulation must be sent in writing to the contact person on or before Friday, September 19, 2014, to receive full consideration.

Subject: Disability Access Obligations for Programs, Events or Activities at University Venues		
Number	1.0080R	<input checked="" type="checkbox"/> New Regulation
Effective Date		<input type="checkbox"/> Major Revision of Existing Regulation
Revised Date		<input type="checkbox"/> Minor/Technical Revision of Existing Regulation
Responsible Division/Department: Division of Administration and Finance, Office of ADA Compliance and the Division of Student Affairs, Disability Resource Center.		<input type="checkbox"/> Repealed Regulation

I. OBJECTIVE & PURPOSE

The objective and purpose of this regulation is to provide University students, faculty and staff who have disabilities and third party visitors with disabilities access and the ability to effectively participate in programs, events and activities sponsored by the University of North Florida. Non-University entities utilizing University venues are not covered by this regulation. Their obligations to provide disability accommodations will be specified in their contract with the University.

II. STATEMENT OF REGULATION

Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504) require that the University make its programs, events and activities readily accessible to students, faculty or staff who have provided documentation of disability and a corresponding need for the requested accommodation. Additionally, these laws require that disabled persons who visit the University's Campus also have the opportunity to effectively participate in programs, events and activities conducted at UNF. As a result, University units conducting programs, events and activities or otherwise utilizing the University's venues must make necessary arrangements to provide the above-referenced individuals who request auxiliary aids and services or other accommodations (as defined below), a reasonable accommodation to allow these persons the opportunity to effectively participate in such offerings.

III. DEFINITIONS

- A. Person with a Disability** – A person is “disabled” under the ADA and Section 504 who (1) has a physical or mental impairment that substantially limits one or more of the major life activities of such individual, or (2) has a record of such impairment, or (3) is regarded as having such an impairment.
- B. Third Party Visitor** – means an individual with a disability, other than University students, faculty and staff who desires to participate in programs, events and activities at the University's venues.
- C. Venue** – means any portion of the University of North Florida campus or other site the University utilizes for the purpose of providing programs, events or activities for its students, faculty and staff or third party visitors.

D. Auxiliary Aids and Services – means auxiliary aids and services including:

1. Interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments;
2. Readers, taped text, or other effective methods making visually delivered materials available to individuals with visual impairments;
3. Acquisition or modification of equipment or devices; and
4. Other reasonable services and actions that provide qualified individuals with disabilities the opportunity to effectively participate in programs, events and activities at the University's venues.

E. Request for a Reasonable Accommodation – means a request by a student, faculty or staff member who has provided documentation of a disability and a corresponding need for the requested accommodation; or a request by a third party visitor with a disability, for the University to reasonably accommodate regulation, practice, or procedure or to provide reasonable auxiliary aids and services to permit such individuals to participate in the University's programs, events and activities. However, requests for accommodations that would "fundamentally alter" the nature of the program, event or activity, are not "reasonable" and are therefore not required.

IV. STATEMENT OF REQUIREMENTS AND PROCEDURES

The obligations of sponsoring entities under this Regulation are as follows:

1. **Securing Auxiliary Aids or Services.** The University unit or department sponsoring a program, event or activity, is responsible for securing necessary auxiliary aids, services or reasonable accommodations for qualified students, faculty or staff with disabilities or third party visitors with disabilities to effectively participate in offerings at the University venue. The most common request for an auxiliary aid or service is a request for a sign language interpreter, or other auxiliary aid or service, for the Deaf or Hard of Hearing. The University's Disability Resource Center (DRC) is the University office that coordinates providing auxiliary aids and services to the Deaf and Hard of Hearing; therefore, any department or unit needing to provide an auxiliary aid or service or other reasonable accommodation to a qualified individual with a disability or a third party visitor with a disability, should contact the DRC to seek assistance. In the event the DRC is not able to provide the requested auxiliary aid, service or reasonable accommodation for a qualified student, faculty or staff member with a disability or a third party visitor with a disability, the DRC will work in conjunction with the University's Office of ADA Compliance to determine how to address the request for an auxiliary aid or service or request for a reasonable accommodation.
2. In the event the University is unable to provide the specifically requested auxiliary aid or accommodation, it will work to provide a reasonable alternative auxiliary aid, service or reasonable accommodation to allow the requesting individual to effectively participate in the program or activity held at a University venue.
3. **Cost of Additional Services.** If there is any additional expense associated with providing requested auxiliary aids or services or other reasonable accommodations, the University department sponsoring the program, event or activity must consult with the University's ADA Compliance Office to determine whether the additional expense for required services will be borne by the University

or by the sponsoring unit. Under no circumstances may the additional cost of a requested accommodation or auxiliary aid or service be passed on to the individual(s) with disabilities for whom any request is made.

4. **Advertisements, Brochures, etc.** The University unit or department sponsoring a program, event or activity where individuals with disabilities may plan to attend the program, event or activity and may require auxiliary aids or services or other reasonable accommodation to effectively participate in the offering as required by the ADA and Section 504 must place the following language in all advertisements, brochures or other materials regarding the program, event or activity (*the University realizes that many brochures and similar publications are printed up to a year in advance of the scheduled event(s). Accordingly, while this regulation will apply to documents printed after the adoption of this regulation, it is the intent that all printed advertisements, brochures, etc. will comply with this regulation no later than the beginning of the fall semester beginning in August 2007*):

“If you have a disability and require an accommodation for this occasion, please contact (sponsor’s name and telephone number) **five days before the event** to enable us to provide you a reasonable accommodation for the event.”

Similar wording should be incorporated into listings that show multiple events.

5. Those with questions regarding the requirements of this regulation or regarding how to obtain required auxiliary aids and services should contact the University’s Disability Resource Center, building 10, room 1201, telephone (904) 620-2769 (Voice), (904) 620-2969 (TDD/TTY), or facsimile (904) 620-3874 or the University’s Office of ADA Compliance, Portable 832B, Room 1002, telephone (904) 620-2870.

Authority: Florida Board of Governors 1.001 and 2.003. Americans with Disabilities Act of 1990, 28 CFR Part 35; Section 504 of the Rehabilitation Act of 1973 and its subsequent amendments 29 U.S.C. § 701-797. Formerly Policy 1.0080P effective date 05/16/07; Approved by the BOT as a Regulation _____.