

Equal Access 101: The Campus Guide to Disability Accommodations

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Disclaimer

-  The information in this presentation does not, and is not intended to, constitute legal advice.
-  This information is intended to provide an overview of the Federal disability laws and University Policy. The application of these regulations to any given situation is fact-dependent.

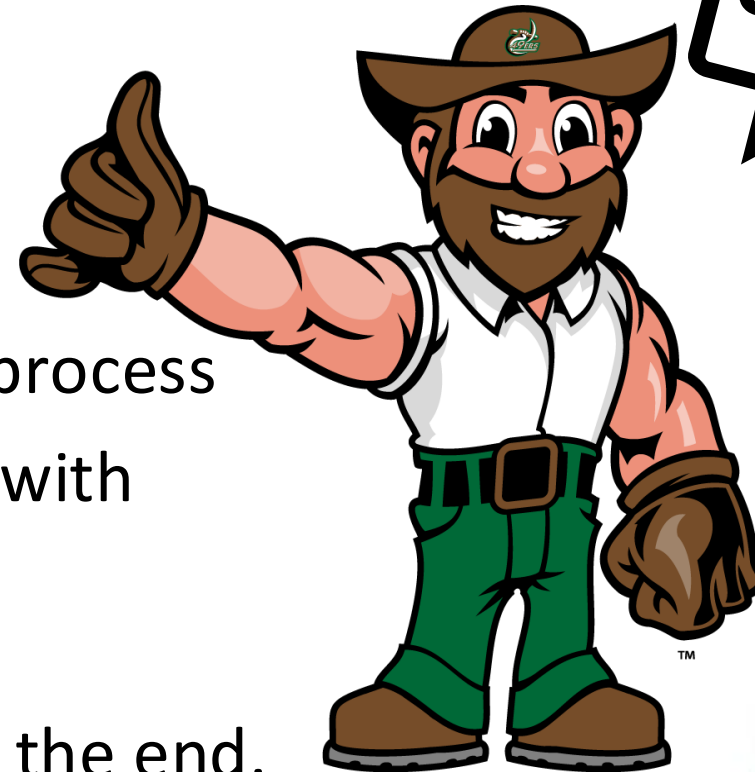
SCAN ME



Today's Agenda

- Section 504 and Title II Overview
- Examine key functional limitations
- Explore the University's interactive process
- Highlight ways to connect students with the Office of Disability Services

We will *probably* have time for questions at the end.



Let's
Get
Connected!



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How would you describe your current level of experience or comfort in interacting with people with disabilities?



Very familiar: I have frequent, regular professi... **(A)**

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Section 504 of the Rehabilitation Act of 1973

- Prohibits discrimination on the basis of disability in programs receiving federal financial assistance
- Broad Coverage: Applies to all operations of the institution, including facilities and communications, regardless of whether the specific program receives federal funding
- No otherwise qualified individuals with disabilities may be excluded
- Enforced by Department of Education

The Americans with Disabilities Act, 1990

Prohibits discrimination against individuals with disabilities in all areas of public life.

Title I: Employment

- Covers Employers with 15 or more employees
- Enforced by EEOC
- Must exhaust administrative remedies

Title II: State and Local Governments

- Covers all state and local governmental entities, including public universities
- Enforced by DOJ and DOE

What do we have to do?

ADA/Rehabilitation Act Framework

28 C.F.R. § 35.130(b)(7)

- A public entity shall make **reasonable modifications** in policies, practices, or procedures when the modifications are **necessary to avoid discrimination** on the basis of **disability**, unless the public entity can demonstrate that making the modifications would **fundamentally alter** the nature of the service, program, or activity.

28 C.F.R. § 35.130(b)(7)

- Key Obligations:
 - Program accessibility
 - Effective communication
 - Reasonable modifications to policies and practices
 - Public notice & grievance procedures

Nondiscrimination on the Basis of Disability

University Policy 501.1

Consistent with these Federal regulations, the University and all members of faculty and staff shall operate its programs, activities and services to ensure that no qualified individual with a disability shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any such program, activity, or service solely by reason of their disability.

[The Office of Disability Services](#) is responsible for complying with these regulations as they apply to students.

<https://ds.charlotte.edu>

Office of Disability Services

- The Office of Disability Services is the University office designated to **determine reasonable accommodations** for students with disabilities, as required by Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) and the ADA Amendments Act.
- The Office of Disability Services also meets with departments.
- Students may share with you that they have a disability that they have not disclosed to the ODS.

Defining Disability (ADA)

- A **disability** is a **physical or mental impairment** that **substantially limits** one or more **major life activities**.
- **Major Life Activities** include: walking, breathing, talking, seeing, hearing, sleeping, learning, self-care, performing manual tasks, and working.
- **Major Bodily Functions** include: Immune, neurological, brain, respiratory, circulatory, digestive, bowel, bladder, endocrine, reproductive functions, and normal cell growth.

Connecting Students with ODS

- Report a Barrier to Access
 - Identifying access barriers on campus
 - Classroom & campus events
- Students may share with you that they have a disability that they have not disclosed to the ODS.
 - Can share the ODS website
 - Can share contact information
 - NEVER assume

Disability Accommodations



It is important to provide a clearly welcoming environment so that students understand they can come forward with accommodation requests.

- Encourage students with disabilities to approach you early in the semester by placing a statement on your syllabus such as the one below
- Be available for accommodation conversations with students during office hours or scheduled appointments

For more information, see the [Faculty Responsibilities page](#) on the [Disability Services website](#).

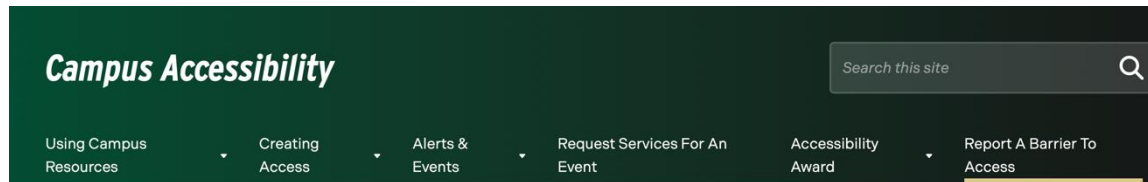
Suggested syllabus language:

UNC Charlotte is committed to accessibility in education. If you have a disability and need academic accommodations, send me your Accommodation Letter through the DS Portal as early as possible. I encourage you to meet with me to discuss the accommodations outlined in your letter. For more information about accommodations, contact the Office of Disability Services at 704-687-0040 or disability@charlotte.edu.

- [Syllabus Language](#) available on the ODS and OLA websites.

Online Resources

- [Report a Barrier](#)



Report a Barrier to Access

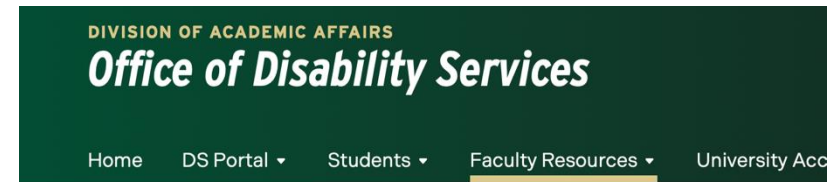
BARRIER NOTIFICATION FORM

UNC Charlotte is committed to having an accessible campus for individuals with disabilities, including students, faculty, staff, alumni and visitors. Providing an accessible campus, both programmatically and physically, is considered one of the top responsibilities of our institution.

In this regard, if you encounter a barrier to access to a program, service or activity on campus, such as an inoperative elevator, blocked access ramp, inaccessible website or electronic content, broken or missing curb cut, or other impediment, please notify us of the issue by completing the [Barrier Notification Form](#) (also hyperlinked in Heading Level 2 above) or reporting your concern.

- Get Connected to [DS Portal](#)

- [Faculty Resources Page](#)



FACULTY RESOURCES

Faculty Responsibilities

Service Animal or Emotional Support Animal?

Disability Law and Higher Education

► Academic Accommodations

► Testing Accommodations

Creating Accessible Online Courses

Types of Disabilities

Faculty Resource

The Office of Disability Services is the de for determining and approving **student a** in their responsibility to provide approve

Have a Question?

- **Accommodation Letter:** Your stud indicates the DS staff member whc
- Contact disability@charlotte.edu question may be routed appropriat
- Our staff is available to schedule ar



Reasonable Accommodations *Functional Limitations*



“Reasonable” Standard

How do I know what’s
reasonable?



Fundamental Alterations

When does an
accommodation go too
far?



Undue Burden

What if meeting a request just
isn’t feasible?

The “Reasonable” Standard

How do I know what’s reasonable?

- Very fact-specific inquiry, requires individualistic approach
- Reasonable accommodations must provide “meaningful access” but need not guarantee identical results or level of achievement.
- **Does NOT** have to be the requested accommodation, but should be “effective at providing equal access.”
- Alternatives are reasonable if:
 - they “preserve the essential nature of the program”
 - student can “participate meaningfully”

Fundamental Alterations

When does an accommodation go too far?

- “Fundamental alteration”— a change that is so significant that it alters the essential nature of the course or program.
 - Examples— modify academic requirements that are directly related to a licensure or lowering academic standards.
 - Testing accommodations, attendance policies

Undue Burden

What if meeting a request just isn't feasible?

- A very high standard.
- “Undue burden”— an unreasonable financial or administrative burden.
 - Significant duties or expensive when considered in light of a number of factors, including the type of service or product being offered.



Interactive Process

From Law to Action

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1

01 *Initial Request*

Student discloses a need for accommodation.

"I am struggling with..."

"I need assistance managing"

"See attached medical documentation"

Please direct students to Office of Disability Services



23

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02

Dialogue and Engagement

Our trained professionals will meet with the student to have an interactive discussion with about their needs.

Through this interactive process, possible reasonable accommodations are identified.

Reminder: Human Recourses also conducts a similar analysis for employees/student employees.



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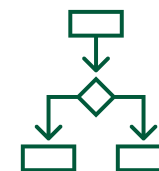
03 *Implementation*

Faculty are notified via DS Faculty Portal. It is the Faculty member's responsibility to review the accommodation letter and contact ODS as soon as possible if there are any questions.

Accommodations begin once you are notified.

➤ Not retroactive

Please remember Student Education Records are protected under FERPA and University Policy 402.





Interactive Process

3-Steps to Equal Access

123

1. Initial Request- Connecting student with ODS
2. Dialogue and Engagement- Identifying individual needs and barriers
3. Implementation- Eliminating barriers to provide equal access

Getting Students Plugged In

Given what you now know about disability accommodations, what actions might you take in the next week to promote accessibility?





When poll is active respond at **PollEv.com/jbharrison** Send **jbharrison** to **22333**



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Commit to use d

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Summary



Legal Framework

- Section 504 & ADA
- Broad coverage across University operations
- [Creating an inclusive campus environment through compliance](#)



Functional Limitations

- Reasonable Standard
- Fundamental Alterations
- Undue Burden
- [Effective engagement to promote academic and institutional integrity](#)



Interactive Process & Implementation

- Where we make a difference
- 3-Steps to Equal Access
- [Connecting with students to identify and eliminate barriers](#)

Questions?



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