



The University of the Virgin Islands Disability Student Services Policy

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Disability Student Services (DSS) Office Policy

Section 1: Introduction

1.1 University of the Virgin Islands' DSS Vision Statement

The University of the Virgin Islands is a learner-centered institution dedicated to the success of its students and committed to enhancing the lives of the people of the U.S. Virgin Islands and the wider Caribbean through excellent teaching, innovative research, and responsive community service.

1.2 University of the Virgin Islands DSS Mission Statement

The mission of the Disability Student Services Office is to ensure that all students with disabilities have equal access to educational opportunities at the University of the Virgin Islands, where they can participate freely and actively in all facets of university life.

Section 2: Federal Laws and Legal Precedents: DSS Office

2.1 Legal Disclaimer

- A. The University has the right to revise its policies at any time to maintain compliance with changes in judicial decisions. The policy will be reviewed every three years, and students should consult the DSS Office for the most current version.
- B. "Disability" includes physical, psychological, learning, sensory, neurological, behavioral, and chronic medical conditions as defined by the ADA and Section 504.
- C. The University complies with Section 504, the Americans with Disabilities Act, ADA Amendments Act, FERPA, and applicable Virgin Islands law.
- D. The University ensures that disciplinary and academic standards are applied fairly and consistently to all students, including those with disabilities. When disability-related factors may influence behavior or academic performance, the University will conduct an individualized review and may implement reasonable modifications to processes or sanctions. Such modifications will not fundamentally alter essential standards or compromise safety. Students have the right to an interactive process, appropriate accommodations, and appeal procedures where disability considerations are relevant.

2.2 Confidentiality

Guidelines

Disability information in the DSS Office is treated as medical information and handled under the rules of confidentiality, just as medical information is used to document the individual's disability. No disability information will be released without the individual's written authorization unless there are extreme circumstances.

Disability information will be shared on a limited basis within the University community only when there is a need to know from the person seeking information about a specific aspect of the disability. Unless there is an emergency or some type of direct threat, written consent from the individual will be requested before sharing any medical or psychological information with a third party.

Here are some examples of when student information may be shared with other offices or individuals.

- Housing Accommodations;
- Request for a course substitution
- Grievance procedures;
- Special financial aid considerations.

2.3 Extreme Exceptions

An extreme exception would be child and elder abuse (due to mandatory reporting laws in the Virgin Islands), threats of suicide and/or homicide. It is the responsibility of the DSS Coordinator to report this information to the appropriate personnel, agency, or emergency contact.

2.4 Disposal of Records

The DSS Office can dispose of records after a period of seven years of non-enrollment/inactivity.

Section 3: Qualifying for Accommodations/Disability Services

3.1 Procedures to Apply for Services

- A. The student submits a request for accommodations. The student must submit appropriate documentation to document their medical condition or disability.
 - a. Students can apply for accommodations at any time before or during the semester.
 - b. All requests will be responded to within ten business days.
 - c. After approval of accommodations by the DSS office, an accommodation letter will be sent within forty-eight hours to the student for signature.
 - d. The designated faculty member(s) will receive a signed copy immediately after student signs their accommodation letter. Accommodations are considered effective as soon as the letter is sent to the faculty member.
- B. It is the student's responsibility to request accommodations each semester in courses where accommodations may be necessary.
- C. Accommodation requests are reviewed and determined based upon the documentation of the disability.
- D. For students who need to recertify accommodations please follow initial process of submitting Accommodation Requests. The recertification process can be done at any time but is not retroactive.
 - a. Examples to Recertify
 - i. Lapse in schooling
 - ii. Short term accommodations that are extended longer by Doctor or Mental Health professional.
 - iii. Additional diagnosis
 - iv. Additional accommodations needed
- E. The DSS Coordinator may request additional information from the student to support their request for accommodation. The supplemental documentation should be provided within ten business days to the DSS Coordinator. If no additional information is received, the student will be given the formal

Disposition of Accommodation Form denying their request. The student can make a new request with supplemental documentation at any time. The student has the financial responsibility for providing additional documentation.

a. Reason's for Denial of Accommodations

- i. Person does not meet the legal definition of having a disability.
- ii. Accommodation is not connected to the disability.
- iii. Accommodation will create an undo hardship to the institution financially or administratively.
- iv. Accommodation would alter essential course requirements or academic program.
- v. Not enough documentation to support the level of accommodations being requested.
- vi. Diagnosis not listed in formal documentation.
- vii. Accommodation is not considered Reasonable.
- viii. The request is retroactive.
- ix. The accommodation would compromise safety requirements.
- x. The student did not follow procedures.
- xi. An alternative accommodation is deemed effective.

3.2 Designated Office

For information about disability services, students should contact the DSS Office. To submit a request for accommodation, students need to access the Health Hub in myCampus at www.uvi.edu to complete the electronic forms and submit medical/psychological information documenting the disability. The DSS Coordinator is responsible for ensuring that all records are kept confidential.

3.3 Legal Implications: Individual Needs

Policies are for all students with disabilities. However, each student's needs are considered on a case-by-case basis. Basic determination of accommodations will be determined by the Disability Student Services Coordinator and the individual student, as well as faculty depending on documentation recommendations.

Academic accommodations are adjustments that provide equal access to academic programs/information for students with documented disabilities. Academic requirements identified by the university as essential to a program of instruction or are directly related to licensing requirements are not to be regarded as discriminatory. Court rulings or decisions are clear that accommodation requests from students need not be provided when a) the student is not otherwise qualified; b) the accommodation would result in a fundamental alteration of the program; c) the institution is being asked to address a personal need; or the accommodation would impose an undue financial or administrative burden on the institution of higher learning.

3.4 Purpose of Documentation

The purpose of documentation is to show that the student has a disability whether a physical or mental impairment that substantially limits one or more major life activities, as well as a record of having such an impairment, or being regarded as having such an impairment. The University of the Virgin Islands will make reasonable accommodations for an otherwise qualified student with a disability. If a student's documentation does not include information regarding a specific limitation, accommodations cannot be provided.

3.5 Sources and Forms of Documentation

Acceptable sources of documentation for substantiating a student's disability and request for accommodations can take a variety of forms.

A. Primary Documentation: Student's Self-Report-Must be in addition to Tertiary documentation

- a. The student is a vital source of information regarding how he or she may be "limited" by an impairment. A student's narrative of their experience of disability, barriers, and effective and ineffective accommodations is an important tool for establishing disability and a need for accommodations.

B. Secondary Documentation: Observations and Interaction - Must be in addition to Tertiary documentation

- a. The information gained and conclusions formed by higher education DSS Coordinator during interviews and conversations with students or in evaluating the effectiveness of previously implemented or provisional accommodations are important forms of documentation.

C. Tertiary documentation: Information from External or Third Parties

- a. Documentation from external sources may include educational or medical records, reports and assessments and should be completed and signed by a treating physician or licensed psychologist/psychiatrist/mental health provider on their letterhead. Educational information is inclusive of documents that reflect education and accommodation history, such as Individual Education Program (IEP) and 504 Plans.
- b. Guidelines for Providing Tertiary Documentation - These guidelines are based on the Association on Higher Education and Disability (AHEAD) best practices for documentation.

1. *The credentials of the evaluator(s)*

Documentation must be provided by a licensed or otherwise properly credentialed professional who has undergone appropriate and comprehensive training, has relevant experience, and has no personal relationship with the individual being evaluated. The individual making the diagnosis must be qualified to do so (e.g., an orthopedic limitation might be documented by a physician, but not a licensed psychologist).

Documentation is to be provided on official letterhead with the name, title, professional credentials, address, phone number, and signature of the evaluator, as well as the date of the report.

2. *A diagnostic statement identifying the disability*

Documentation should include a clear diagnostic statement. While diagnostic codes from the Diagnostic and Statistical Manual of Mental Disorders (DSM) or the International Classification of Functioning, disability, and Health (ICF) of the World Health Organization are helpful, a full clinical description may also convey the necessary information.

3. *As appropriate to the disability, a description of the diagnostic methodology used*

Generally, documentation should include a description of the diagnostic criteria, evaluation methods, procedures, tests, and dates of administration, as well as observations, specific results, and a clinical narrative. Where appropriate to the nature of the disability, both summary data and specific test results, including subtest and index scores, should be provided.

Diagnostic methods must be consistent with the nature of the disability and aligned with current professional standards and practices in the field. For example, assessments for learning disabilities should include at least one measure of aptitude and measures of achievement in reading, math, and written language.

4. *A description of the current functional limitations*

Information on how the disability currently affects the individual provides useful information for identifying reasonable accommodations. The documentation should demonstrate how a major life activity is substantially limited by providing a clear sense of the severity, frequency, and pervasiveness of the condition. The age of acceptable documentation is dependent upon disability. While recent documentation, within 3 years, is recommended in most circumstances, older documentation for conditions that are permanent or non-varying may be appropriate. Documentation must be current enough to reflect the student's functional limitations. Recency expectations vary depending on whether a disability is stable, permanent, or variable. We may accept documentation that shows a history of accommodations for permanent or non-varying conditions. Likewise, changing conditions and/or changes in how the condition affects the individual brought on by growth and development may warrant more frequent updates in order to provide an accurate picture of the current status of the student (e.g., learning disabilities, attention deficit-hyperactivity disorder, psychological disorders, and chronic health conditions). However, all forms of documentation are considered meaningful and will be reviewed for pertinent information

5. *A description of the expected progression or stability of the disability*

It is helpful when documentation provides information on expected changes in the functional impact of the disability over time and context. Information on the cyclical or episodic nature of the disability and known or suspected environmental triggers to episodes provides opportunities to anticipate and to plan for varying functional impacts and the subsequent need for reasonable accommodations and/or services.

6. *A description of current and past accommodations, services, and/or medications*

A description of current and past accommodations, services, and/or medications will assist the Disability Student Services staff in determining appropriate accommodations and/or services. A discussion of any significant side effects from current medications that may affect physical, perceptual, behavioral, or cognitive performance is also helpful. While accommodations and/or services provided in another setting are not binding at the University of the Virgin Islands, this information may provide insight for making decisions for reasonable accommodations and services.

7. *Recommendations for accommodations and/or services*

Recommendations and/or services that are logically related to functional limitations provide valuable information for the review and planning process to attain reasonable accommodations. The Disability Student Services Coordinator or designee at the University of the Virgin Islands will make the final determination of reasonable accommodations and/or services.

Section 4: Student Rights and Responsibilities

4.1 Student Rights

Students play an active role in the accommodation process and must request accommodations in a timely manner.

Two federal laws, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA), are civil rights that can assist in postsecondary education. These two laws guarantee the following student rights.

1. The student has the right to equal access to postsecondary education, co-curricular programs, services, student employment opportunities, activities, right to equal access to postsecondary education, co-curricular programs, services, student employment opportunities, activities and facilities available at the University of the Virgin Islands.
2. The student has the right to appropriate, effective accommodations, academic adjustments, or auxiliary aids based on documented need.
3. The student has the right to confidentiality of disability-related information, except when disclosure is required by law or authorized through a signed release of information.

4.2 Student Responsibilities

A student with disabilities has the following responsibilities:

1. A student is expected to meet the University's core academic and institutional requirements, either independently or with approved accommodations (such as support for disabilities).
2. The student must also follow the University's Student Code of Conduct, which outlines rules for behavior and academic integrity.
3. The student has the responsibility to self-identify as a student with a disability and to request accommodations in a timely manner.
4. The student has the responsibility to provide disability documentation from an appropriate professional source verifying the exact nature of the disability, current functional limitations, and the qualifying rationale for recommended accommodations.
5. The student has the responsibility to follow procedures for accessing accommodations as outlined in the Disability Student Services Policy.
6. The student has the responsibility to advise the Disability Student Services Coordinator of the delivery and effectiveness of their accommodations.

Section 5: Faculty Rights and Responsibilities

5.1 Faculty Rights

Faculty have the following rights:

1. Faculty and students are required to sign a - written agreement before allowing a student to tape record their class. (See Appendix F)
2. Faculty members have a right to expect that all students will adhere to the Student Code of Conduct. Any infraction of the Student Code of Conduct should be reported to the Dean of Students. If the student has been identified as an individual with a documented disability, this information should also be reported to the DSS Coordinator.
3. Faculty members may challenge an accommodation request if they believe the student is not otherwise qualified; if the requested accommodation would result in a fundamental alteration of the course or program; if the University of the Virgin Islands is being asked to address a personal need of the student; or if the

accommodation would impose an undue financial or administrative burden. Faculty must promptly contact the DSS Coordinator to initiate a review, and the DSS Office will address the concern. Faculty may not delay, deny, or modify approved accommodations while a challenge is under review by the DSS Office.

4. Accommodation requests are based on documentation of a student's disability on file in the DSS Office due to confidentiality. The exact nature of a disability may not be disclosed to anyone, including faculty members, without the express written permission of the individual student.

5.2 Faculty Responsibilities

Faculty have the following responsibilities:

1. Faculty members have a shared responsibility with the DSS Office to facilitate accommodations for students with a documented disability.

2. Faculty members have the responsibility to refer a student to the DSS Office if the student presents medical or psychological documentation to the instructor. If an instructor notices that a student is not performing up to the student's ability and suspects this may be due to some type of disability, the instructor should refer the student to the DSS Office.

3. Faculty members should not provide accommodations beyond what are given to all students unless provided with official documentation from the DSS Office that includes a description of appropriate accommodations. Faculty members cannot require students to provide proof of a documented disability. If faculty members have additional recommendations for accommodations that they believe will benefit the student, or a more appropriate accommodation than the one requested, they are encouraged to contact the DSS Office.

4. Faculty members have a responsibility to follow the accommodations in a fair, non-judgmental and timely manner.

5. Faculty members have the responsibility to maintain the student's right to privacy concerning the disability and any accommodations.

Section 6: University of the Virgin Islands (UVI) Responsibilities

6.1 The University Responsibilities

The University of the Virgin Islands (UVI) is required to comply with federal and local statutes; and faculty, as employees of the institution, are required to adhere to the policies and procedures for implementation set forth by the University.

1. UVI has the responsibility to ensure that the institution's academic standards are maintained.

2. UVI has the responsibility to require disability documentation to verify a student's eligibility for disability accommodations, academic adjustments or auxiliary aids.

3. UVI has the responsibility to clarify a student's diagnosis(es) and eligibility for disability services with the diagnosing professional, if necessary, upon receiving signed consent to do so.

4. UVI has the responsibility to deny requests for disability accommodations or academic adjustments when the disability documentation provided by the student does not identify a specific disability, fails to establish a current and essential need for the requested accommodation(s) or the request for accommodations disability documentation is not presented in ten business days.

5. UVI has the responsibility to select appropriate accommodations, academic adjustment, or auxiliary aids in consultation with the student and course faculty.

6. UVI has the responsibility to deny requests for accommodations or academic adjustments based on disability documentation that is inappropriate or unreasonable including those that pose a direct threat to the health and

safety of others, that would constitute a substantial change, alteration of an essential course, program element, standard, or would pose an undue hardship at the University of the Virgin Islands.

6.2 Disability Student Services Office Coordinator Responsibilities

In providing services directly to students or acting on behalf of students with members of the campus community, the Disability Student Services Coordinator:

1. Maintains confidential electronic student records (e.g., documentation of disability).
2. Determines eligibility for services based upon documentation of a disability.
3. Responds to inquiries from prospective students or their parents following FERPA guidelines
4. Provides information to students regarding their legal rights and responsibilities.

Section 7: Grievance

Students have the right to appeal accommodation decisions and file grievances concerning disability discrimination. The University shall maintain formal grievance procedures please contact the DSS Office for additional information.

7.1 Procedure for Requesting a Course Substitution

Students may request a course substitution as a disability accommodation when appropriate. Substitutions will not be granted if they fundamentally alter essential program requirements.

Section 8: Service Animals

UVI has policy and procedures for Service Animals please contact the DSS Office for information.

Section 9: Emotional Support Animals

UVI has policy and procedures for Emotional Support Animals please contact the DSS Office for information.

References

1. Association on Higher Education and Disability Elements (<http://www.ahead.org/resources/best-practices-resources/elements>).
2. Bemidji State University Policies and Procedures disability Services Office (Howe v. Hull, 873 F Supp. 72.77 N.D. Ohio 1994)
3. Cornell University ILR School DBTAC- Northeast ADA Center
4. Delaware State University. (n.d.). *Students with disabilities*. <https://www.desu.edu/about/administration/general-counsel/center-disability-resources/students-disabilities>
5. Disability Support Services Grievance Procedures University of Northern Colorado
6. U.S. Department of Education. (n.d.). *Section 504 of the Rehabilitation Act of 1973*. Retrieved March 17, 2026, from <https://www.ed.gov/laws-and-policy/individuals-disabilities/section-504>