

Illnesses, Disabilities, or Disabling Conditions

The NYU School of Medicine is committed to providing reasonable accommodation(s), as required by the Rehabilitation Act of 1973 (PL 93-112) and the Americans with Disabilities Act of 1990 (PL 101-336) for students with appropriately diagnosed and documented disabilities, provided that such accommodation does not change the fundamental nature of the educational program or adversely affect the safety of patients, staff, or fellow trainees. The following information is provided for students, staff, and faculty who may be involved in the process of discussing and/or documenting a request for accommodations.

Requests for accommodations based on a qualified disability are processed/addressed centrally through designated staff members within the School of Medicine Office of Student Affairs. Approaching course/clerkship directors or other “local” staff or supervisors to receive accommodations, rather than adhering to the procedures herein may result in referral to the Dean of Students or designated body to address the improperly “authorized” accommodation. In these instances, any improperly “authorized” accommodations are not binding and may be terminated until such time as appropriately authorized accommodations are made. Further, one’s academic record may be adversely impacted as a result of one’s failure to comply with the policies and procedures herein.

Expectations Statement

All students attending the medical school, whether or not they have a disability, face challenges associated with attending a competitive university in an urban setting, while also demonstrating the skills and competencies necessary in the practice of medicine. Any accommodation is intended to provide equal access to the totality of the medical education program, while simultaneously “matching up” with the identified functional limitation so that the area of impairment is alleviated as much as is reasonable. Students with disabilities should be able to function as independently as possible and to seek appropriate assistance in a reasonable and timely manner. While the School of Medicine can assist students with this process, it may choose the most efficient method of providing auxiliary aids, not necessarily the exact request of the student.

While presumably the use of accommodations in the identified activity will enable the individual to better demonstrate his/her knowledge or other skills, accommodations are not a guarantee of improved performance, or of successfully meeting required performance standards.

It is expected that students with disabilities will:

- Follow appropriate health regimens (i.e., medication compliance).
- Secure appropriate medical and therapeutic assistance from qualified practitioners at the School of Medicine or in the New York City area.
- Arrange necessary support services (i.e., transportation, individual monitoring of needs, financial assistance, personal care) that the School of Medicine does not provide.
- Meet the requirements and expectations of the medical education program including any Educational Objectives and/or technical standards.
- Follow the established guidelines and procedures for securing and remaining in residential living space.
- Adhere to University and School of Medicine Honor Code.

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Rights and Responsibilities

(Adapted from the NYU Moses Center for Students with Disabilities Handbook 2008)

Section 504 of the 1973 Rehabilitation Act and the 1990 Americans with Disabilities Act (ADA) provide direction and guidance to the School of Medicine in the provision of equal educational opportunity and full participation for persons with disabilities. As such, both the School of Medicine and students with disabilities have rights and responsibilities.

Institutional Rights and Responsibilities

The NYU School of Medicine has the right and the responsibility to:

1. Maintain the University's academic standards.
2. Request qualifying disability documentation in order to verify eligibility for disability accommodations, academic adjustments, and/or auxiliary aids.
3. Discuss students' eligibility with diagnosing professionals after obtaining consent of the student.
4. Select from among equally effective/appropriate accommodations, adjustments, and/or auxiliary aids in consultation with the student.
5. Deny requests for accommodations, adjustments, and/or auxiliary aids when disability documentation does not identify a qualifying disability, fails to verify the need for the requested services, or is not provided in a timely manner.
6. Deny requests for accommodations, adjustments, and/or auxiliary aids that are inappropriate or unreasonable based on disability documentation including any that:
 - Pose a threat to the health and safety of others;
 - Constitute a substantial change or alteration of an essential course element/program standard; or
 - Pose an undue financial or administrative burden on the School of Medicine and the University.

Student Rights and Responsibilities

Every qualified student with a disability has the right to:

3. Equal access to educational and co-curricular programs, services, jobs, activities, and facilities available throughout the University.
4. Reasonable and effective accommodations (**but not necessarily an accommodation of choice**), academic adjustments, and/or auxiliary aids as determined on a case-by-case basis.
5. Appropriate confidentiality regarding information pertaining to disability including choice of disability disclosure except as required by law.
6. Information in **accessible formats** (i.e., meets requested deadlines to ensure availability)

Every student with a disability has the responsibility to:

1. Meet the School's qualifications including essential technical, academic, and institutional standards.
2. Identify as an individual with a *qualified* disability and request accommodations in a timely manner.
3. Provide documentation from an appropriate professional source verifying the nature of the disability, functional limitations, and the rationale for specific accommodations being recommended.
4. Follow specific procedures for obtaining reasonable and appropriate accommodations, academic adjustments, and/or auxiliary aids as outlined in the School of Medicine policies and procedures.

Disclosure, Confidentiality and Record Keeping

To receive academic accommodations, students must identify themselves to the Office of Student Affairs as having a qualified disability and request specific accommodations. Requests for accommodations must be made to the Office of Student Affairs in a timely manner so that appropriate evaluation of and planning for the request can take place. The School of Medicine is not responsible to retroactively accommodate a student who has not previously disclosed a disability and made a request for an accommodation in a timely fashion. The Office of Student Affairs is the officially recognized office for student disability documentation collection and evaluation at the School of Medicine.

Student disability files are confidential and are not part of a student's official academic records at the School of Medicine. Information about a student's disability is not shared with anyone without the student's consent, as per Section 504/ADA guidelines regarding confidentiality of disability information. In accordance with the Family Educational Rights and Privacy Act (FERPA) guidelines, information about a student may be shared with faculty, administrators and staff, in warranted instances, on a "need to know" basis. If a student wishes to review his or her Disability file, he or she may request access by following FERPA guidelines (see www.nyu.edu/apr/ferpa.htm for more information.).

General Guidelines

The following guidelines are provided to assist students in documenting and requesting a need for accommodation based on an impairment that substantially limits one or more major life activities. The student must personally initiate the formal request for accommodations and must provide appropriate consent to allow for communication/correspondence with medical or other providers/evaluators of the student. The cost of obtaining appropriate documentation is the responsibility of the student.

All requests for accommodations, whether for testing or other accommodation, will be reviewed by the Dean of Students. To support a request for accommodations, students must submit the following to the Office of Student Affairs:

A detailed, comprehensive written report from [an] appropriate licensed professional(s) who has expertise in the specific disability being addressed, describing the disability and its severity and justifying the need for the requested accommodations. This report must:

- a. Include a specific diagnosis of the disability. This must be a professionally recognized diagnosis for the particular category of disability (e.g. the DSM-IV diagnostic categories for learning disabilities).
- b. Be current; it is expected that documentation be no older than three years at the time the request is made. If documentation is older than three years, the Associate Dean of Student Affairs may require more current documentation at the student's expense.
- c. Describe the specific diagnostic criteria and name the diagnostic tests used, including date(s) of evaluation, specific test results and a detailed interpretation of the test results.
- d. Recommend specific accommodations and/or assistive devices including a detailed explanation of why these accommodations or devices are needed and how they will reduce the impact of the identified functional limitation.

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- e. Provide the professional credentials of the evaluator that qualify him/her to make the particular diagnosis, including information about license or certification and specialization in the area of diagnosis.
- f. If no prior accommodations have been provided, the qualified professional expert should include a detailed explanation as to why no accommodations were given in the past and why accommodations are needed now.
- g. Given the variability of disabilities for which students may be requesting accommodations, besides the information covered under the General Guidelines section, the Office of Student Affairs may require that supportive materials and documentation address specific issues based on the nature of the condition. Conditions for which the Office of Student Affairs may require additional materials include, but are not limited to, Learning Disabilities and Attention Deficit/Hyperactivity Disorder (ADD/ADHD). For students seeking accommodations based on a psychiatric illness, besides the requirements outlined above, refer to the section below on the additional procedures and conditions for the requesting and provision of accommodations for these conditions.

Psychiatric Illness (other than Learning disability, ADD/ADHD)

While the Americans with Disabilities Act (ADA) does take into consideration severe mental and emotional disturbances, the presence of a psychiatric illness does not necessarily preclude deliberations and actions under the provisions related to academic performance and/or professional misconduct issues. This section's provisions are written, generally speaking, to address conspicuously illness-related lapses in a student's functioning. The School of Medicine may consider the application of its full complement of by-laws, or portions thereof, as deemed appropriate in a given case. Receiving a diagnosis of a mental illness does not automatically relieve a student of accountability for poor performance or behavior. Further, accommodations are not retroactive.

Where a student experiences an episode or series of episodes of psychiatric illness and/or symptoms that reasonably appears, in the judgment of the Dean of Students, or his/her designee, after appropriate psychiatric consultation, to render the student unable to safely continue to participate in the medical curriculum or the care of patients the Associate Dean has the authority to compel the student to obtain appropriate medical or psychiatric evaluation as a condition of continued enrollment. This may occur in cases where a student presents a serious threat to his/her own physical or emotional well-being or that of University students, faculty, staff, or property. Refusal to comply with the Dean of Students' request for a medical or psychiatric evaluation would be considered grounds for disciplinary action (see *Honor Code*). The Dean of Students may also immediately place the student on Medical Leave status and proceed with the application of any applicable by-laws, or portions thereof, as deemed appropriate in a given case. Further, the matter may be brought before the appropriate Board (Academic or Honor Council) which shall engage in further actions and assume the responsibility for recommendations as described within the *Honor Code* or the *Guidelines Pertaining to Academic Performance* or other appropriate policy.

Actions taken under the aegis of this policy shall be in response to documented aberrations of judgment or behavior that adversely affect clinical, interpersonal, community, and/or general social functions and relationships not to the presence of a "psychiatric illness/diagnosis" per se. Periods of impaired judgment, above all, pose a threat to patients, regardless of the specific diagnosis or etiology of the condition.

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Although other accommodations may be considered (see *Valid Accommodations* below), those given for psychiatric conditions consist substantially of, 1) an initial period of medical/psychiatric leave, particularly in cases where these symptoms are of new onset, and 2) the opportunity to avail oneself of psychiatric/psychological treatment resources. Should a student forego either of these (i.e., not take an initial leave in response to acute symptoms, and/or not avail him/herself of intensive, ongoing treatment and monitoring) for any reason – subsequent difficulties that may have been averted by either of these measures will not be excused. Participation and adherence with treatment(s) are the sole responsibility of the student; in conjunction with the student's professional caregiver(s) and immediate family. A student's failure to take full advantage of treatment resources (or time off), while continuing to have difficulties, may be weighed heavily as an indicator of a persistent pattern of poor judgment.

To assure patient safety, at the discretion of the Dean of Students, Module Directors or Clerkship Directors of the rotations to which a reinstated student is assigned will be advised that the student requires special support and observation of his/her performance. Although the student's privacy is of great concern, the School of Medicine and its leadership will not compromise patient care in favor of maintaining that privacy.

Review and Approval Process:

Upon submission of all required documentation, the Dean of Students shall review the materials and make a determination of whether a student shall be granted accommodation(s), and the specific nature of the accommodation(s). The School of Medicine is not obligated to provide any accommodations (testing or otherwise) prior to formal approval of the requested accommodations. As such, pending approval, students may be subject to any and all institutional policies regarding academic performance and promotion, residential living procedures, or student conduct policies. Students should therefore submit all documentation in a timely manner to ensure that any accommodations, if approved, can be made within a reasonable time frame.

In some cases, the Dean of Students may require further documentation from the student on an as-needed basis. This may occur if the documentation supplied does not meet the conditions described above or if the student believes that the accommodations provided do not meet his/her needs. In these cases, the cost of such additional documentation is the responsibility of the student. In cases where the Dean of Students requests documentation not identified above, or not typical, the cost of such documentation will be the responsibility of the Office of Student Affairs.

Once all materials have been reviewed, upon determination of a qualified disability, students will be given a letter of verification of disability with recommended accommodations/services. The letter states that the student is on file with the Office of Student Affairs, although the specific nature of the disability is not discussed. Further, the Office of Student Affairs will contact instructors and/or program personnel involved in the student's current course of study, or personnel within a department (e.g. Housing) as to the approved accommodations. However, students are encouraged to keep this letter as reference and may need to present the letter directly to an instructor when self-identifying as a student with a disability and/or requesting accommodations. If needs and circumstances change, the nature and extent of accommodations authorized may be altered.

Valid Accommodations

(Adapted from the NYU Moses Center for Students with Disabilities Handbook 2008)

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Any approved accommodations, whether academic or residential, are designed to empower students with as much independence and control over their services as possible. Areas where accommodations may be made include, but are not limited to:

- 1. Accessibility to Programs/Facilities:** Students who are wheel-chair assisted or who have orthopedic impairments that severely limit their mobility may need special access provisions in certain campus locations.
- 2. Assistive Technology:** Several forms of assistive technology may be made available to students on an as-needed basis (such as voice recognition software or recording devices). Such technology may be provided for the student directly or be made available within a specific department or location. However, given the nature of affiliated hospital agreements, students requiring assistive technology in clinical settings or affiliated hospitals may be additionally required to follow individual hospital procedures for receiving and using such technology. Repair or replacement costs for any equipment/software supplied to the student will be charged to student accounts or billed to individuals when equipment is not returned in good working order by the end of the loan period.
- 3. Attendant Care:** The School of Medicine does not provide attendant care for students. It is the student's responsibility to secure the services of certified attendant care and make all necessary arrangements.
- 4. Audio-Taping of Classes:** Most pre-clinical lectures within the School of Medicine are audio-taped. Additionally, course materials, slides, and on occasion screen capture, are available through the student Advanced Educational Learning Exchange (ALEX). Students with a documented disability-related need to audio-tape a class that is currently not taped may request permission from the Module Director directly. However, an instructor may raise confidentiality or copyright concerns regarding this practice. In cases where an instructor's audio-taping concerns are deemed valid, the Office of Student Affairs may work with the student to identify an equally effective accommodation alternative to audio-taping.
- 5. Books-on-Tape/Reader Taping Service:** Students with a documented need for audio-taped course materials must first seek to obtain books-on-tape from Recordings for the Blind and Dyslexic (RFB&D) and/or the Library of Congress (NLS). The Office of Student Affairs will assist eligible students with the annual application process and fees for obtaining RFB&D services.
- 6. Examination Accommodations:** Upon approval of accommodations, all relevant Module Directors, administrative personnel and faculty members will be notified in writing of any exam, or other, accommodations. In many cases, students eligible for examination accommodations are able to take their exams with accommodations at the class exam site when feasible. In other instances, students may receive accommodations in a location to be specified by the Dean of Students. Test accommodations include, but are not limited to: extended time, a distraction-reduced room, use of approved computer programs or CCTV, use of assistive technology, permission to have food, and restroom breaks. In determining the length of extended time, the Office of Student Affairs generally allows 50% more time. The ADA does not require unlimited time for testing purposes. The ADA does mandate that test accommodations be individualized. Thus, a student's exam accommodations must be appropriate and reasonable, and based on the student's documented need for

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accommodation as well as on the essential requirements of the exam being taken. While a student may receive a recommendation to take an exam in a separate location from the bulk of their classmates, no provisions are made to guarantee a private exam setting for a single student. Accommodated exams may be given to a group of accommodated students in one room, and may be continuously proctored. While the reason(s) for a student's exam accommodations are kept private from those who do not need to know, the School of Medicine does not ascribe to a student's privilege to keep secret the fact that he/she is being accommodated and taking an exam under non-standard conditions.

7. Flexibility Regarding Attendance/Assignment Completion Dates: The accommodation of flexibility regarding attendance policies or assignment completion dates is sometimes considered for students with health-related disabilities that flare up episodically or require treatment due to exacerbation of symptoms. Requests for attendance/assignment flexibility are evaluated on an as needed basis by the Dean of Students in conjunction with the Module/Clerkship Director, taking into account **the essential requirements of the course and any feasible alternatives**. The accommodation of flexibility regarding attendance policies or assignment completion dates must be an appropriate response to a disability-related need without compromising academic standards or fundamentally altering the curriculum. Thus, this accommodation may not be reasonable in courses where participation is essential, where the student is supposed to be gaining a given number of hours of experience, where skills are taught and evaluated sequentially, or where ongoing feedback is provided. Other options such as taking an incomplete or a Leave of Absence from the School of Medicine may be more appropriate alternatives in some cases.

8. Housing Accommodations: In accordance with the Americans with Disabilities Act, New York University School of Medicine will provide reasonable accommodations for a student eligible to reside in School housing who has a qualifying physical or mental disability that substantially limits one or more major life activities. The housing accommodation recommended may not always be exactly as requested; however, it will meet the needs of the student. The Dean of Students will review housing requests, as per the procedures outlined here, with additional consultation from the Student Health Services. The Housing Department is responsible for notifying students of their specific assignments. Housing information provided to the Office of Student Affairs and Student Health Services is kept confidential and will only be shared within the School of Medicine as is necessary to evaluate the request. Housing information will *not* be linked to the student's academic record.

9. Interpreting/Transcription Services: Given the nature of the medical school curriculum and the inherent demands of medical education, the School of Medicine does not provide interpreting or transcription services to students. Since most lectures are transcribed through the Student Transcription Service, it is strongly recommended that students register to participate in the Service. Students requesting transcription of courses not currently transcribed can seek permission from the Module Director or lecturer directly. Upon approval by the Module Director and/or lecturer, it is the student's responsibility to identify a classmate who agrees to transcribe the lectures as needed.

10. Tutorial Services: The ADA does not mandate funding for tutorial services. Provision of non-mandated services (such as tutoring) is determined on a case-by-case basis, as funding availability and resources allow. For students with a documented disability who are requesting tutoring, refer to the section on *Advisement and Tutoring* under the *Guidelines Pertaining to Academic Performance* policies in the School of Medicine Student Handbook.

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Time Limits to Accommodations

The goal of any accommodation within the demands of medical education is to develop the appropriate level of independence necessary for the practice of medicine. Further, the unique nature of the medical school curriculum places different demands upon students with disabilities at different times during their course of study (i.e. core versus clinical curriculum, off-site versus on-site placements, etc.). Therefore, it is necessary to regularly review any accommodation and make modifications as needed. The duration of any accommodation will be stated in the verification of disability letter provided by the Office of Student Affairs. Once an accommodation expires it will need to be reviewed and updated as needed by the Dean of Students. This may include, but is not limited to, obtaining further documentation, requiring updated or current documentation, or modifying the recommended accommodations. Any costs associated with obtaining current reasonable documentation will be the responsibility of the student.

Appeals

The Office of Student Affairs strives to provide fair and appropriate assistance and services to students with documented disabilities. Students encountering issues or problems with these policies and procedures, or with decisions made by the Office of Student Affairs regarding disability status or accommodations, are encouraged to first resolve these matters by speaking directly with the Dean of Students. If a student wishes to appeal a decision made by the Dean of Students regarding determination of a qualified disability status, or the provision of an accommodation, students may appeal. Formal appeals must be submitted in writing, stating the basis for the appeal, to the Dean within seven days of the date upon which the student received the verification letter. The Dean may appoint an appellate officer or board to consider the appeal on his or her behalf. The Dean may affirm the decision, modify it in any respect, or reverse it, or may remand the issue for further deliberation. Any decision by the Dean (or appellate officer or board) shall be final and binding.