Accommodations for Disabilities or Disabling Conditions

The NYU Grossman School of Medicine is committed to providing reasonable accommodation(s), as required by the Rehabilitation Act of 1973 (PL 93-112), the Americans with Disabilities Act of 1990 (ADA) (PL 101-336), and the Americans with Disabilities Amendments Act of 2008 (ADAAA) (PL 110-325) for students with disabilities or disabling conditions, 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 ADA defines a disability as a physical or mental impairment that substantially limits one or more major life activities. Major life activities include but are not limited to: performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentration, thinking, communicating, and working.

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 or disabling condition are processed and addressed centrally through designated staff members within the NYU Grossman School of Medicine Office of Student Affairs. Students must not approach course/clerkship directors or other “local” staff or supervisors to receive accommodations without first adhering to the procedures herein. Students who do so may be referred to the Associate Dean for Student Affairs 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.

Expectations Statement

All students attending the medical school, whether or not they have a disability or disabling condition, 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. 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 NYU Grossman School of Medicine can assist students with this process, it may choose the most efficient method of providing an accommodation, which may not be the exact accommodation 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 or disabling conditions will:
• Follow appropriate health regimens (i.e., medication adherence).
• Secure appropriate medical and therapeutic assistance from qualified practitioners at the NYU Grossman 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 NYU Grossman School of Medicine does not provide.
• Meet the requirements and expectations of the medical education program including any Educational Objectives and/or non-academic technical standards.
• Follow the established guidelines and procedures for securing and remaining in residential living space.
• Adhere to University and NYU Grossman School of Medicine Honor Code.

Rights and Responsibilities
Section 504 of the 1973 Rehabilitation Act, the 1990 Americans with Disabilities Act (ADA), and the 2008 Americans with Disabilities Amendments Act (ADAAA) provide direction and guidance to the NYU Grossman School of Medicine in the provision of equal educational opportunity and full participation for persons with disabilities. As such, both the NYU Grossman School of Medicine and students with disabilities or disabling conditions, which include a chronic and acute medical conditions, have rights and responsibilities.

Institutional Rights and Responsibilities
The NYU Grossman School of Medicine has the right and the responsibility to:

1. Maintain 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:
   a. Pose a threat to the health and safety of others;
   b. Constitute a substantial change or alteration of an essential course element/program standard; or
   c. Pose an undue financial or administrative burden on the NYU Grossman School of Medicine and the University.

Student Rights and Responsibilities
Every qualified student with a disability or disabling condition has the right to:

1. Equal access to educational and co-curricular programs, services, jobs, activities, and facilities available throughout the University.
2. 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.

3. Appropriate confidentiality regarding information pertaining to disability including choice of disability disclosure except as required by law.

4. Information in accessible formats (i.e., meets requested deadlines to ensure availability)

Every student with a disability or disabling condition 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 NYU Grossman 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 NYU Grossman School of Medicine is not responsible for retroactively accommodating 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 NYU Grossman School of Medicine.

Student disability files are confidential and are not part of a student's official academic records at the NYU Grossman 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](http://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 Associate Dean for Student Affairs. 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 or disabling condition being addressed, describing the disability and its severity and justifying the need for the requested accommodations. This report must:

1. Include a specific diagnosis of the disability. This must be a professionally recognized diagnosis for the particular category of disability (e.g. the DSM-V diagnostic categories for learning disabilities).
2. 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 for Student Affairs may require more current documentation at the student’s expense.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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, Attention Deficit/Hyperactivity Disorder (ADD/ADHD), and chronic or acute medical conditions.
8. 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**

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 to address conspicuous illness-related lapses in a student’s functioning. The NYU Grossman 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.

Where a student experiences an episode or series of episodes of psychiatric illness and/or symptoms that reasonably appears, in the judgment of the Associate Dean for Student Affairs, 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 Associate Dean for Student Affairs’ request for a medical or psychiatric evaluation would be considered grounds for disciplinary action (see Honor Code). The Associate Dean for Student Affairs 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 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.

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 Associate Dean for Student Affairs, 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 NYU Grossman School of Medicine and its leadership will not compromise patient care and safety in favor of maintaining that privacy.

**Review and Approval Process:**

Upon submission of all required documentation, the Associate Dean for Student Affairs shall review the materials and decide whether a student shall be granted accommodation(s), and the specific nature of the accommodation(s). The NYU Grossman 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 Associate Dean for Student Affairs 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 Associate Dean for Student Affairs 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

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 wheelchair 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 (e.g., 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 NYU Grossman 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. Screen Capture of Classes
Most pre-clinical lectures within the NYU Grossman School of Medicine are on screen capture (i.e., PowerPoint presentation and audio) and are available through Brightspace. Students with a documented disability-related need to audio-record a class that is currently not recorded 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-recording concerns are deemed valid, the Office of Student Affairs may work with the student to identify an equally effective accommodation alternative to audio-recording.
5. 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 Office of Medical Education.

Test accommodations include, but are not limited to: extended time, a distraction-reduced room, 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 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, 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 NYU Grossman 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.

6. 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 Associate Dean for Student Affairs 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 NYU Grossman School of Medicine may be more appropriate alternatives in some cases.

7. Housing Accommodations

In accordance with applicable federal, state, and municipal disability laws, NYU Grossman School of Medicine may provide housing accommodations on a case-by-case basis, taking into consideration the student’s documented disability-related need, prevailing standards for reasonable accommodations, and the availability of the type of room requested. The documentation provided must be sufficient to establish a direct link between the underlying impairment and the requested housing accommodation.

- The Housing Office 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 NYU Grossman School of Medicine as is necessary to evaluate the request. Housing information will not be linked to the student’s academic record.

8. Interpreting/Transcription Services
Given the nature of the medical school curriculum and the inherent demands of medical education, the NYU Grossman School of Medicine does not provide interpreting or transcription services to students.

9. 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 NYU Grossman School of Medicine Student Handbook.

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 Associate Dean for Student Affairs. 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 Associate Dean for Student Affairs. If a student wishes to appeal a decision made by the Associate Dean for Student Affairs regarding determination of a qualified disability status, or the provision of an accommodation, the student must submit an appeal in writing, stating the basis for the appeal, to the Dean within seven days of the date upon which the student received the determination letter. The Dean may appoint an appellate officer or board to consider the appeal. 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.