



XAVIER UNIVERSITY
Access and Accommodations
For Persons with Disabilities

Effective: 12/08/2014

Last Updated: 8/4/2026

Last Review: 8/4/2026

Responsible University Office: Division of Legal Affairs

Responsible Executive: Vice President of Division of Legal Affairs

Scope: Campus Community – Students, Faculty, Staff and Visitors

A. NON-DISCRIMINATION STATEMENT

Xavier University is committed to promoting, maintaining and providing an inclusive and equitable environment reflective of our Jesuit Catholic identity. Xavier University does not discriminate in admission, educational opportunity, employment, programming or events based upon race, color, religion, sex, age, marital status, sexual orientation, gender identity, disability, military status, parental status, or any other characteristic protected by applicable law. At Xavier, we are committed to radical care of the whole person; discrimination and harassment violates this principle and will not be tolerated.

Nothing in this statement shall require Xavier University to act in a manner contrary to the beliefs and teachings of our Catholic faith and Jesuit traditions or to diminish its rights as a religious organization.

B. REASON FOR POLICY

The Americans with Disabilities Act of 1990 (ADA) and Americans With Disabilities Act Amendments of 2008 (Amendments Act) and Section 504 of the Rehabilitation Act of 1973 as Amended in 2008 (Section 504) are federal laws applicable to private universities in the United States that set forth certain expectations and requirements for promoting accessibility to facilities, education, services, employment, and programs at the university.

Federal legislation requires the university to have clear and well communicated anti-discrimination policies, procedures for requesting accommodations, and processes in place through which students, faculty, staff and guests may resolve grievances with the university. The purpose of this Policy is to provide guidance to the university Community regarding their rights as related to the ADA and Section 504, the university's responsibilities, the accommodations request process for students, staff, and visitors, and the resolution process for any grievances.

C. POLICY

Xavier University is committed to achieving compliance with the applicable requirements of the ADA, the Amendments Act and Section 504. This university policy will inform and guide members of the University Community concerning duties, rights, and responsibilities they or Xavier may have with regard to these laws.

D. DEFINITIONS

Accessibility and Disability Resources (ADR) – The campus office dedicated to assisting students with disabilities. ADR works in partnership with Xavier faculty, staff, and students to ensure that all aspects of student life are accessible, equitable, and inclusive of individuals with disabilities. We are committed to working with students to find appropriate and creative ways of ensuring access in every aspect of their Xavier experience.

Auxiliary Aids and Services may include, but are not limited to taped texts, note-takers, videotext displays, open and closed captioning, assistive listening devices, readers, Braille or large print materials, and interpreters. It does not include attendants, individually prescribed devices, or services of a personal nature such as personal care assistants or personal devices utilized in activities of daily living or personal study.

Civil Rights and Title IX Office (CRTIXO) –

The campus office responsible for overseeing Xavier's compliance with federal and state civil rights laws, including Title IX, Title VI, Title VII, and the Americans with Disabilities Act (ADA)/Section 504, and University policies addressing related harassment and discrimination complaints. This office assists Xavier employees and visitors with accommodations, and leads the University's response to complaints of discrimination based on disabilities by students, employees, and visitors. The Director, Civil Rights and Title IX is the University's ADA/504 Coordinator.

Disability – Under the ADA, a person with a disability is someone who:

- Has a physical or mental impairment that substantially limits one or more major life

activities,

- Has a history or record of such an impairment, or
- Is perceived by others as having such an impairment.

Essential Job Functions are the basic (as opposed to marginal) functions that an employee must be able to perform.

Essential Skills (may also be referred to as technical standards) are the fundamental (as opposed to marginal) requirements of a course, degree, or program.

Fundamental Alteration is a change to a university program, service, or activity that significantly changes the essential nature of the program, service, or activity. For academic requests, a fundamental alteration is any change to a course curriculum or course of study that is so significant that it alters the required objectives or the content of the curriculum.

Interactive Process/Dialogue is a collaborative exchange that allows the individual and the university to provide input and feedback in determining a reasonable accommodation.

Medical Documentation – Under the Equal Employment Opportunity Commission (EEOC), medical documentation must specify the existence of an ADA disability and explain the need for reasonable accommodation.

Office of Human Resources – the campus office dedicated to supporting employees with disabilities. HR offers resources and services to allow full access and participation in the Xavier community.

Reasonable Accommodation (student) is a reasonable modification or adjustment to instructional methods and/or to a course, program, service, or facility of the University that enables a qualified student with a disability to have equal access and opportunity to attain the same level of performance and to enjoy equal benefits and privileges as are available to similarly-situated students without a disability. Reasonable accommodations do not: include fundamental alterations of a class or program; constitute services of a personal nature; result in undue administrative or financial burden on the institution; or result in posing a direct threat to the health or safety of the student or others.

Reasonable Accommodation (employee, applicant) is any modification or adjustment to a job or the work environment that will enable an applicant or employee with a disability to participate in the application process to perform essential job functions. Reasonable accommodations also include adjustments to assure that an individual with a disability has rights and privileges in employment equal to those of employees without disabilities.

Substantial Limitation of a Major Life Activity – Major life activities include such activities as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. An impairment substantially interferes with the accomplishment of a major life activity when the individual’s important life activities are restricted as to the conditions, manner, or duration under which they can be performed in comparison to most people.

Qualified Student with Disability is a student with a disability who meets the academic and technical standards requisite for admission or participation in the institution’s educational program or activities.

Undue Hardship means significant difficulty or expense and focuses on the resources and circumstances of the particular institution in relationship to the cost or difficulty of providing a specific accommodation.

E. PROCEDURES

Xavier University is committed to creating an environment that is accessible to students, faculty, staff, and visitors. Our policy goal is to guide those needing accommodations through the process of receiving accommodations for academic, dining, housing, co-curricular, programmatic, facility and visitor needs. Reasonable accommodations will be determined on a case-by-case basis, and can be time consuming. Therefore, it is imperative that individuals follow the processes listed below to ensure accommodations can be implemented as timely as possible.

In determining reasonable accommodations, Xavier University is committed to: engage in the interactive process; problem solve issues and concerns; maintain academic standards for course and degree work; maintain the essential job functions; and be responsible for the costs associated with reasonable accommodations.

1. ADA/Section 504 Coordinator

Students who believe they have been discriminated against on the basis of a disability can file a complaint with the ADA Coordinator at ADA@xavier.edu, 513-745-3046.

2. Accommodations for Students

Students seeking accommodations, academic and co-curricular, must register with Accessibility and Disability Resources (ADR). This process will include submitting verification of disability, at least one meeting with an ADR employee, and utilizing the University’s software system to generate the needed accommodations letters each semester.

A complete version of ADR's registration and accommodation process can be found at the [ADR website](#).

The student and the ADR staff are both members of the interactive ADA process. Each member has responsibilities to ensure the accommodations process is successful.

2.1 Xavier University encourages all student-facing programs to include the following statement: "Xavier University strives to make all events and programs accessible and inclusive. Please contact [Accessibility and Disability Resources](#) at 513-745-3280 for accommodations."

2.2 Student Responsibilities

Students are responsible for:

- a. Self-identification to and registration with the ADR;
- b. Requesting accommodation in a timely manner. Students should request accommodation at or before the start of the semester. It is important for students to remember that accommodations are not retroactive;
- c. Providing requested documentation to ADR;
- d. Addressing ineffective accommodations or issues with implementation of accommodations; and
- e. Meeting the academic standards expected of all students.

If an accommodation is ineffective or has not been provided and it is impacting performance, the student should bring it to the attention of ADR. The student and ADR will then decide an appropriate action plan, which could include the informal and formal grievance process as outlined in Exhibit A. Ultimately, responsibility lies with the student to bring their needs to the attention of ADR, and must contact ADR and faculty with questions and concerns in a timely manner.

2.2. Accommodation Denial Appeal

If an accommodation concern/dispute is unable to be resolved between the student and ADR, and the student's requested accommodation is ultimately denied by ADR, the student may appeal the matter to the ADA Coordinator at ADA@xavier.edu, 513-745-3046. Once the Coordinator has received the appeal, they will conduct a comprehensive, impartial investigation, and will make, and communicate to the student and ADR staff, the final decision on the appeal.

If the student disagrees with that final decision, and at any point along the process, they may file a formal discrimination complaint with the ADA Coordinator at ADA@xavier.edu, 513-745-3046 in accordance with the Disability Discrimination

Complaint Procedure, Exhibit A of this Policy and/or:

- U.S. Department of Education, Office for Civil Rights, 1244 Speer Boulevard, Suite 310, Denver, CO 80204-3582, 1-800-421-3481, OCR.Denver@ed.gov
- U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Civil Rights Division, Washington, D.C. 20530, 202-514-2000
- Ohio Civil Rights Commission, 7162 Reading Road, Suite 210, Cincinnati, OH 45237, (513) 351-2541

2.3 ADR Responsibilities –

The Office of Accessibility and Disability Resources shall:

- Verify disabilities and the need for accommodations;
- Recommend reasonable accommodations;
- Inform students of their rights and responsibilities;
- Advocate for program access; and
- Participate in the interactive process with faculty, staff, and students.

Once the student has established their eligibility for accommodations, ADR will provide appropriate accommodations as expeditiously as possible. Generally, accommodations will be in place within fifteen (15) business days; however, some accommodations can require a longer period of time to arrange (by way of example, clinical and internships accommodations or on-campus housing accommodations).

ADR determines eligibility for accommodations and identifies reasonable accommodations through an interactive process. A student working with ADR has the right to request a review of denied accommodations or services in accordance with the Disability Discrimination Procedure, Exhibit A of this Policy. This provision shall also apply to a student requesting an accommodation who believes they have been wrongly denied recognition of their disability by the University.

3. Accommodations for Employees – Faculty and Staff

Employees seeking accommodations should start the process by submitting the [ADA Accommodation Request Form](#) or contacting the Office of Human Resources (OHR) at (513) 745-3699.

The will initiate the process with OHR, which may include the employee's submission of medical documentation from the employee's medical provider to support the request for reasonable accommodations. Medical information obtained by OHR for this process will be kept confidential. Under ADA, employers are responsible for determining if accommodations are applicable and if providing accommodations is reasonable. OHR

will review the request and supporting medical documentation to determine reasonable accommodations, as required by law and as appropriate to be effective for the employee. After review of the documentation, OHR may also meet with the employee and their supervisor to determine reasonable accommodations.

Xavier University is committed to the interactive process of providing reasonable and effective accommodations for disabled employees, and will include the employee's supervisor in this process as well. The University is permitted to consider the content of academic programs, undue administrative burden and undue financial burden in the accommodation assessment process when determining accommodations.

A request for accommodation may not be denied by a supervisor without the supervisor first consulting with OHR and the ADA Coordinator.

If an accommodation is ineffective or has not been provided and it is impacting the employee's access and/or experience, the individual should bring it to the attention of the Office of Human Resources in a timely manner. OHR, the employee, and in applicable cases the ADA Coordinator, will then decide an appropriate action plan, which could include the informal and formal grievance process as outlined in Exhibit A. Ultimately, responsibility lies with the employee to bring their needs and concerns to the attention of OHR in a timely manner.

3.1 Accommodation Denial Appeal

If an accommodation concern/dispute is unable to be resolved between the employee and OHR, and the employee's requested accommodation is ultimately denied by OHR, the employee may appeal the matter to the ADA Coordinator. Once the ADA Coordinator has received the appeal, it will conduct a comprehensive, impartial investigation, and will make, and communicate to the employee and OHR staff, the final decision on the appeal.

If the employee disagrees with that final decision, and at any point along the process, they may file a formal discrimination complaint in accordance with the Disability Discrimination Procedure, Exhibit A of this Policy and/or with:

**DOE-OCR, Cleveland Office
for Civil Rights**
U.S. Department of Education
1350 Euclid Avenue, Suite 325
Cleveland, OH 44115-1812
Telephone: 216-522-4970
FAX: 216-522-2573; TDD: 800-877-8339

Email: OCR.Cleveland@ed.gov

U.S. Department of Justice

950 Pennsylvania Avenue, NW

Civil Rights Division

4CON, 9TH floor

Washington, D.C. 20530

Phone: 1-800-514-0301

TTY: 1-800-514-0383

Fax: 202 307-1197

Email: ADA.complaint@usdoj.gov

Ohio Civil Rights Commission

7162 Reading Road, Suite 210

Cincinnati, OH 45237

Phone: (513) 351-2541

Fax: (513) 351-2616

Equal Employment Opportunity Office

Phone: 1-800-669-4000

TTY: 1-800-669-6820

ASL Video Phone: 1-844-234-5122

info@eeoc.gov

<https://www.eeoc.gov/contact-eeoc>

4. Accommodations for Job Applicants

Xavier University is an Equal Opportunity Employer and strives to make our application process as inclusive as possible. In the event a job applicant needs an accommodation to enable them to complete an application and be considered for a position at Xavier University, the applicant should contact the Office of Human Resources at (513) 745-3699.

5. Facility Accessibility

Xavier University contains a mix of historical and modern facilities. Xavier is committed to ensuring that all students, employees and visitors have equal access to our programs, events, and services. In the event a building provides an accessibility issue, please contact the University's ADA Coordinator at ADA@xavier.edu, (513) 745-3046. Further, please email or call the ADA Coordinator with any concerns with equipment or facility malfunctioning (for example, door accessibility malfunction).

6. Public Accommodations - Accommodations for Visitors, Vendors and Contractors

Xavier University will not discriminate against an individual or class of individuals on the basis of disability directly or through contractual agreement. Xavier is committed to the full and equal enjoyment of Xavier's campus, goods, services, programs and events by all members of our greater community. Any vendors or contractors renting or using Xavier's space will be responsible for the cost of any auxiliary services needed for an event to meet a participant's request for reasonable accommodations.

In the event that any visitor, vendor or contractor has a concern with the accessibility of Xavier's campus, they should contact the University's ADA Coordinator at ADA@xavier.edu, (513) 745-3046.

7. Events- Responsibility for Accessibility Costs

Administrative offices and instructional units sponsoring events are responsible for ensuring that any events they sponsor are accessible and for providing reasonable accommodations when requested. Accessibility costs are part of the overall expense of an event and should be anticipated as a potential budget item when planning for an event.

Event sponsors are encouraged to budget for access as one routine cost for planning any University-related event and should discuss alternative funding sources with their supervisor if the cost of a requested accommodation exceeds the event's budget allowance.

Any costs incurred in complying with this Policy are the responsibility of the administrative office or instructional unit sponsoring the event. Additional costs that may be incurred shall be the responsibility of the sponsor.

8. Transportation & Parking

Xavier University does not offer shuttle service or regular transportation for students, employees or visitors. From time to time, Xavier offers transportation to a specific student event or program. In advance of such a student event or program, student(s) who need accessible transportation should contact ADR and discuss their transportation needs, providing adequate time for such arrangement.

Xavier offers parking on campus for student, employees, and visitors. All individuals parking on Xavier's campus must have a Xavier parking pass. The individual's Xavier parking pass (ex: student, staff & faculty, or visitor) coupled with a state issued handicap placard (or the equivalent) is sufficient for parking in any handicap parking space on Xavier's campus.

9. Complaint and Grievance Process

Any visitor or unaffiliated community member with an accessibility request or complaint about accessibility on Xavier's campus may file a report with the University's ADA Coordinator at ADA@xavier.edu, (513) 745-3046

Any complaint filed by a student, faculty, or staff can follow the grievance procedures outlined in the Disability Discrimination Complaint Procedure, Exhibit A.

10. Confidential and Anonymous Reporting

Xavier University maintains a confidential anonymous hotline that enables persons to relay concerns or complaints involving the matters covered in this Policy. The hotline is available 24 hours a day and can be contacted by:

Phone: 1-855-481-6238

Website: <https://secure.ethicspoint.com/domain/media/en/gui/34090/index.html>

11. External Remedies

Individuals are not required to utilize this ADA/504 Grievance Process or any other internal remedies before pursuing remedies through state and federal agencies.

These agencies are:

U.S. Department of Education Office for Civil Rights, Denver Office

Cesar E. Chavez Memorial Building

1244 Speer Boulevard, Suite 310

Denver, CO 80204-3582

Phone: (303) 844-5695

Email: OCR.Denver@ed.gov

U.S. Department of Justice

950 Pennsylvania Avenue, NW Civil Rights

Division

4CON, 9TH floor Washington, D.C.

20530

Phone: 1-800-514-0301

TTY: 1-800-514-0383

Fax: 202 307-1197

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Fax: (513) 351-2616

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Phone: 1-800-669-4000

TTY: 1-800-669-6820

ASL Video Phone: 1-844-234-5122

info@eeoc.gov <https://www.eeoc.gov/contact-eeoc>

F. EXHIBITS

Disability Discrimination Complaint Procedure, Exhibit A.

G. HISTORY

The 2023 version of this Policy updates language and departmental practices. This version replaces the existing Policy.