

ACADEMIC ACCOMMODATIONS FUNDAMENTAL ALTERATION AND UNDUE BURDEN POLICY/PROCEDURE

PROVIDING REASONABLE ACCOMMODATIONS

The San Bernardino Valley College Student Accessibility Services (SAS) Office is dedicated to ensuring that students with disabilities have equitable access to all programs, services, and activities offered by the college. This commitment includes making alterations and adjustments to courses or programs unless doing so would:

1. a) Modify academic requirements essential to the instruction being pursued or directly related to a licensing requirement.
2. b) Lower academic standards.
3. c) Substantially alter the course or program, fundamentally changing its nature.

While academic accommodations that present a fundamental alteration or undue burden are not common, such situations may arise, and such defenses may only be used to deny an accommodation after thorough consideration by relevant college officials. Courts and regulatory bodies will grant deference to professional and academic judgment in denying an accommodation on these bases only when the denial is rationally justifiable and supported by a thoughtful review of the accommodation request.

THE FUNDAMENTAL ALTERATION PROCESS

Determining whether an academic accommodation would constitute a fundamental alteration is decided on a case-by-case basis and requires careful and reasoned deliberation. The college must examine the methods of instruction and assessment, consider alternative opportunities for teaching and learning, and evaluate the format of materials and demonstration of necessary skills.

Final decisions regarding fundamental alteration must be made by the Director of the SAS Office or their designee(s) after considering all available resources for use in the course/program. Reasoned deliberation must be conducted in consultation with the SAS Office and documented appropriately.

In preparation for reasoned deliberation, faculty need to:

Review and identify the essential academic standards or objectives of the course/program.

Articulate the specific requirements of the course/program that are fundamental to meeting the essential academic standards or objectives.

Define the unique qualities of the specific requirements and their nexus to the essential academic standards/objectives.

Describe how the proposed accommodation would fundamentally alter essential academic standards or objectives of the course/program.

Faculty and SAS must:

Engage in reasoned deliberation as to whether modification of the specific requirements would lower academic standards, fundamentally alter learning outcomes, or require substantial (unreasonable) program alteration.

Determine whether there are available alternative means a student could demonstrate the essential academic standards or objectives of the course.

Work with their campus' designated authority(ies) if agreement cannot be reached.

Document the deliberative process and retain records.

While faculty need to work with students to implement approved accommodations, they should not refuse to implement an accommodation or debate its reasonableness directly with a student. These concerns should only be discussed with the SAS director or designee(s), who have the requisite training and experience.