



# Policies Applying to Campus Activities, Organizations and Students (PACAOS)

## 140.00 GUIDELINES APPLYING TO NONDISCRIMINATION ON THE BASIS OF DISABILITY

<b>Responsible Officer:</b>	Vice President and Vice Provost
<b>Responsible Office:</b>	Graduate, Undergraduate and Equity Affairs
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<b>Scope:</b>	For all pertinent activities involving University students, employees, and properties, the <i>Policies Applying to Campus Activities, Organizations and Students</i> apply to the Division of Agriculture and Natural Resources and to the Department of Energy Laboratories operated by the University of California, subject to Laboratory implementing regulations and contractual obligations between The Regents and the Department of Energy.

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### I. POLICY SUMMARY

The *Policies Applying to Campus Activities, Organizations and Students* are a compendium of University-wide policies relating to student life. Section 140.00 describes the University’s guidelines applying to nondiscrimination on the basis of disability.

## II. DEFINITIONS

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Definitions for the *Policies Applying to Campus Activities, Organizations and Students*, and the campus implementing regulations adopted pursuant to them, are provided in Section 14.00.

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## III. POLICY TEXT

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### 140.00 GUIDELINES APPLYING TO NONDISCRIMINATION ON THE BASIS OF DISABILITY

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#### 140.00 INTRODUCTION

In compliance with the Federal Rehabilitation Act of 1973, as amended (Public Law 93- 112) and the Americans with Disabilities Act of 1990 (Public Law 101-336), University of California policy prohibits unlawful discrimination on the basis of disability in its programs, services, and activities.

The following *Guidelines* are designed to be consistent with the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. However, it is possible that these statutes may be amended in the future and, in such instances, the most current applicable laws shall represent University policy as it applies to nondiscrimination on the basis of disability.

#### 141.00 DEFINITIONS

##### 141.10 Individual with a Disability

##### 141.11

An "individual with a disability" means any person who has a physical or mental impairment which substantially limits one or more major life activities, who has a record of such an impairment, or who is regarded as having such an impairment.

##### 141.12

"Physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory (including speech organs); cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine.

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"Physical or mental impairment" also means any mental or psychological disorder, such as mental retardation or developmental disabilities, organic brain syndrome or acquired brain injury, emotional or mental illness, and specific learning disabilities.

Physical and mental impairment also includes, but is not limited to, contagious and noncontagious diseases and conditions such as orthopedic, visual, speech, and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; mental retardation; emotional illness; HIV disease (whether symptomatic or asymptomatic) and tuberculosis.

#### 141.13

"Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

#### 141.14

"Has a record of such impairment" means has a history of, or has been incorrectly classified as having, a mental or physical impairment that substantially limits one or more major life activities.

#### 141.15

"Is regarded as having an impairment" means has a physical or mental impairment that does not substantially limit major life activities, but is treated by the University as limiting such activities; has a physical or mental impairment that substantially limits major life activities as a result of the attitudes of others toward such an impairment; or has none of the impairments listed in Section 141.12, but is treated as having such an impairment, such as persons with a limp or persons with disfiguring scars.

#### 141.16

An "individual with a disability" does not include a person who is currently engaging in the illegal use of drugs. However, an individual who is currently participating in, or who has successfully completed, a supervised drug rehabilitation program and is not currently engaging in the illegal use of drugs, or who is otherwise no longer engaging in such use, shall be considered an individual with a disability if the individual otherwise fits the definition of a disabled person as described in Sections 141.00 through 141.15 of these *Guidelines*.

#### 141.17

Individuals with drug or alcohol addictions who are not currently engaging in the illegal use of drugs, or who are no longer engaging in drug or alcohol abuse as described in Section 141.16 above, should not be prohibited from attending the University if they can successfully participate in the education program of the University, if they comply with University policies and campus/laboratory regulations, and if their behavior does not impede the performance of other students.

### **141.20 Qualified Individual with a Disability**

#### 141.21

With respect to students who are employed by the University, a qualified individual with a disability is one who, with or without reasonable accommodation, can perform the essential functions of the position in question and who meets the definition of an individual with a

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disability, as specified in Sections 141.00 through 141.16 of these *Guidelines*.

#### 141.22

With respect to postsecondary education, an otherwise qualified individual with a disability is one who meets the academic and technical standards requisite for admission or participation in the education programs of the University and who meets the definition of an individual with a disability, as specified in Sections 141.00 through 141.16 of these *Guidelines*.

The term "technical standards" refers to nonacademic admissions criteria that are applicable to such programs.

#### 141.23

With respect to other services, a qualified individual with a disability is one who meets the eligibility requirements for the receipt of such services and who meets the definition of an individual with a disability, as specified in Sections 141.00 through 141.16 of these *Guidelines*.

#### 141.30 Facility

"Facility" means all or any portion of buildings, structures, sites, complexes, equipment, rolling stock and other conveyances (e.g., buses, shuttles, vans), roads, walks, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

## 142.00 DISCRIMINATION PROHIBITED

#### 142.10

In providing any aid, benefit, or service, the University may not, directly or through contractual, licensing, or other arrangements, discriminate on the basis of disability to:

- a. Deny a qualified individual with a disability the opportunity to participate in, or benefit from, any aid, benefit, or service which it provides;
- b. Provide any qualified individual with a disability an opportunity to participate in, or benefit from, any aid, benefits, or services that are not equal to those afforded to individuals who do not have disabilities;
- c. Provide a qualified individual with a disability with any aid, benefits, or services that are not as effective as those provided to individuals who do not have disabilities. To be "equally effective," an aid, benefit, or service need not produce an identical result or level of achievement for individuals with disabilities and individuals without disabilities. However, the University must afford individuals with disabilities an equal opportunity to obtain the same result or level of achievement in the most integrated setting appropriate to the individual's needs and to encourage, as appropriate, interaction among all users, including individuals with disabilities;
- d. Provide any different or separate aid, benefits, or services to individuals with disabilities or to any class of individuals with disabilities unless such action is necessary to provide qualified individuals with disabilities with aid, benefits, or services that are as effective as those provided to individuals who are not disabled;

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- e. Aid or perpetuate discrimination against a qualified individual with a disability by providing any significant assistance to any agency, organization, or person that discriminates on the basis of disability against beneficiaries of the University's programs;
- f. Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards; or
- g. Otherwise limit a qualified individual with a disability in the enjoyment of any University right, privilege, advantage or opportunity enjoyed by individuals who are not disabled.

#### **142.20**

In determining the site or location of a facility, the University may not make selections that have the following effect:

- a. Excluding qualified individuals with disabilities from, denying them the benefits of, or otherwise subjecting them to discrimination under any program, service, or activity it operates; or
- b. Defeating or substantially impairing the accomplishment of the objectives of the University's programs, services, or activities with respect to qualified individuals with disabilities.

#### **142.30**

The exclusion of individuals who do not have disabilities from the benefits of a program limited by statute or executive order to individuals with disabilities, or the exclusion of a specific class of individuals with disabilities from a program limited by statute or executive order to a different class of individuals with disabilities, is not prohibited.

### **143.00 EDUCATIONAL PROGRAMS, SERVICES, AND ACTIVITIES**

#### **143.10 Admissions, Enrollment, and Recruitment**

##### *143.11*

Qualified individuals with disabilities may not, on the basis of disability, be denied admission to the University or enrollment in University classes or participation in University programs, services, or activities, or be subjected to discrimination in the admissions process or in recruitment procedures.

##### *143.12 Admissions or Enrollment*

- a. Limitations may not be applied upon the number or proportion of individuals with disabilities who may be admitted or enrolled.
- b. Tests or criteria for admission may not have a disproportionate, adverse effect on individuals with disabilities or any class of such individuals unless:
  - 1. The tests or criteria have been validated as predictors of success in the education programs, services, or activities in question; and
  - 2. Alternate tests or criteria that have a less disproportionate, adverse effect, and which are acceptable to the University, are not shown to be available by the appropriate Federal agency.

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- c. Before admission tests are selected and administered, campuses should be assured that:
  1. Admissions tests are selected and administered to ensure that when a test is administered to an applicant who has a disability that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's aptitude or achievement level, or whatever other factor the test purports to measure, rather than reflecting the applicant's impaired sensory, manual, or speaking skills, except when those skills are the factors that the test purports to measure;
  2. Admissions tests that are designed for persons with disabilities are offered as often and in as timely a manner as are other admissions tests; and
  3. Admissions tests are administered in facilities that, on the whole, are accessible to individuals with disabilities. In this context, "on the whole" does not mean that all facilities must be accessible, only that a sufficient number must be available to individuals with disabilities.
- d. Pre-admission inquiries as to whether applicants for admission are individuals with disabilities may not be made, except for the purpose of recruitment, as discussed in Section 143.13 of these *Guidelines*. Post-admission inquiries may be made on a confidential basis regarding disabilities that may require accommodation.

#### *143.13 Recruitment*

When voluntary action is taken to overcome the effects of conditions that resulted in limited participation in certain programs, services, or activities, pursuant to Section of these *Guidelines*, campuses may invite applicants for admission or enrollment to indicate whether and to what extent they are disabled, provided that:

- a. It is clearly communicated that the information requested is for use solely in connection with voluntary action efforts; and
- b. It is clearly communicated that the information is being requested on a voluntary basis, that it will be kept confidential, that refusal to provide it will not subject the applicant to any adverse treatment, and that it will be used only in accordance with the implementing regulations of applicable laws and executive orders.

#### **143.20 Treatment of Students and Participants in University Programs, Services, or Activities**

##### *143.21*

Qualified students with disabilities or participants with disabilities in University programs, services, or activities may not, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, research, occupational training, housing, health insurance, counseling, financial aid, physical education, athletics, recreation, transportation, other extracurricular activity, or other educational program, service, or activity offered by the University.

Health services and insurance plans should be provided to qualified students with disabilities on the same basis as for students without disabilities generally. However, student health centers need not provide specialized services and aids; for example, if a

center treats only simple disorders, such as cuts, bruises, and colds, its obligation to students with disabilities is to treat only those same disorders.

#### *143.22*

Campuses that consider participation by students in education programs, services, or activities not wholly operated by them as part of, or equivalent to, an education program, service, or activity they operate, should assure themselves that the other education program, service, or activity, as a whole, provides an equal opportunity for the participation of qualified individuals with disabilities. For example, in connection with student teaching assignments, campuses may work with elementary or secondary school systems only if their student teaching programs, when viewed in their entirety, offer student teachers with disabilities the same range and quality of choice in assignments offered to student teachers without disabilities.

#### *143.23*

All programs, services, and activities should be conducted in the most integrated setting appropriate to a disabled individual's needs and to encourage, as appropriate, interaction among all users, including individuals with disabilities. For example, if a campus offers several elementary physics classes, and one such class is moved to the first floor of the science building to accommodate students who use wheelchairs, it would be a violation of this requirement to also concentrate students with disabilities but who are not mobility impaired in this class.

### **143.30 Academic Adjustments**

#### *143.31 Modification of Academic Requirements*

Academic requirements should be modified, as necessary and appropriate, to ensure that they do not discriminate or have the effect of discriminating, on the basis of disability, against qualified applicants or students with disabilities. As appropriate, modifications may include changes in the length of time permitted for the completion of degree requirements, substitution or waiver of specific courses required for the completion of the requirements, and adaptation of the manner in which specific courses are conducted. For example, a campus may permit an otherwise qualified student who is deaf to substitute a music history class for a required class in music appreciation, or the campus could modify the manner in which the music appreciation course is conducted for the student who is deaf.

Academic requirements that are determined by the Academic Senate to be essential to programs of instruction or for any directly related licensing requirement are not regarded as discriminatory.

#### *143.32 Course Examinations*

In course examinations or other procedures for evaluating students' academic achievement, methods should be provided, as appropriate, for evaluating the achievement of students who have a disability that impairs sensory, manual, or speaking skills as will best ensure that the results of the evaluation represent students' achievement in the course, rather than reflecting students' impaired sensory, manual, or speaking skills, except when such skills are among the factors the test purports to measure.

### *143.33 Auxiliary Support Services and Devices*

- a. Steps should be taken, as appropriate, to ensure that no qualified student or participant with a disability in a University program, service, or activity is denied the benefits of, is excluded from participation in, or is otherwise subjected to discrimination because of the absence of educational auxiliary support services and devices.

In meeting this requirement, campuses may assist qualified students or participants with disabilities in University programs, services, or activities in contacting existing resources, such as State vocational rehabilitation agencies and private charitable organizations, to obtain auxiliary support services and devices. Also, other students may be asked to work with students with disabilities, or private agencies that tape texts for individuals with disabilities free of charge may be contacted in order to reduce the number of readers needed for students with visual impairments and students with learning disabilities. Typically, it is still the University's obligation to provide appropriate educational auxiliary support services and devices should public and private agencies be unable to provide such services or devices. As appropriate, the provision of auxiliary support services and devices to students with disabilities may be provided by the University during the period in which outside help is solicited or in lieu of such outside help.

As long as no qualified person with a disability is excluded from a program because of the lack of appropriate auxiliary support services or devices, such support services and devices need not be on hand at all times.

- b. Educational auxiliary support services and devices include, but are not limited to, taped texts, interpreters, notetakers, or other effective methods of making orally delivered materials available to, for example, students with hearing impairments or learning disabilities; readers for students with visual impairments; classroom equipment adapted for use by students with manual impairments; or other aids for students with disabilities.

Attendants, individually prescribed devices, readers for personal use, or other devices or services of a personal nature need not be provided.

Any prohibition against the use of tape recorders or braille in classrooms, or dog guides and service dogs in campus buildings, or other rules that have the effect of limiting the participation of qualified students with disabilities in educational programs, services, or activities, may not be adopted.

Students or participants with disabilities in University programs, services, or activities may be required to sign an agreement that they will not release tape recordings or transcriptions of lectures, or otherwise hinder the ability of a professor to obtain a copyright.

### *143.34 Responsibility for Academic Adjustments*

**Section 10.00** of these *Policies* specifies that each member of the University community shares the responsibility of maintaining conditions conducive to the achievement of the University's mission of research, teaching, and public service. Thus, in attempting to provide any type of academic adjustment, faculty, disability-management staff, and students with disabilities should work in concert to formulate accommodations that meet the individual



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educational needs of qualified students with disabilities while maintaining the academic integrity of the program, service, or activity to be modified.

Moreover, it is essential that during this consultative process students be given an opportunity to express their preferred choice for disability accommodations and that this choice be given careful consideration, unless an equally effective accommodation can be provided, or that the use of the student's choice would result in a fundamental alteration of the academic program, service, or activity, or would result in an undue financial and administrative burden.

#### *143.35 Student-Specific Obligations in the Provision of Academic Adjustments*

In providing any type of academic adjustment, including, but not limited to, modification of academic requirements, course examinations, or support services and devices, the University may require that: 1) students with disabilities provide reasonable advance notice of requests for, changes to, or cancellation of, academic adjustments; 2) students with disabilities provide sufficient and timely verification of their disability and documentation of their disability-related academic adjustment needs; and 3) students with disabilities comply with campus rules regulating requests for, and the proper use of, auxiliary support services or devices.

#### *143.36 Campus Disability Accommodation and Mediation Procedures*

Campuses are encouraged to develop written procedures for: 1) the provision of academic accommodations to students with disabilities; and 2) resolving disagreements regarding the provision of academic adjustments to students with disabilities.

### **143.40 Housing**

#### *143.41 On-Campus Housing*

The University provides on-campus housing for non-disabled students and shall provide comparable, convenient, and accessible on-campus housing at the same cost to students with disabilities. Housing for students with disabilities should be made available in sufficient quantity and variety so the scope of their choice of living accommodations will, when viewed in its entirety, be comparable to that of students who are not disabled.

#### *143.42 Off-Campus Housing*

With regard to housing that is not provided by the University, but is listed by the campus, each campus shall assure itself that such housing, when viewed in its entirety, is made available in a manner that does not result in discrimination on the basis of disability. If a campus determines that off-campus housing, when viewed in its entirety, is not available to students with disabilities, efforts should be made to generate new sources of housing.

### **143.50 Financial Aid**

#### *143.51*

In providing financial assistance to qualified students with disabilities, the University may not, on the basis of disability, provide less assistance to those students than is provided to non-disabled students, may not limit their eligibility for assistance, or may not otherwise discriminate against them. The University also may not assist any entity or person that provides financial assistance to any student in a manner that discriminates against qualified

students with disabilities on the basis of disability.

**143.52**

The University may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established under wills, trusts, bequests, or similar legal instruments that require awards to be made on the basis of factors that discriminate or have the effect of discriminating on the basis of disability, only if the overall effect of the award of scholarships, fellowships, and other forms of financial assistance is not discriminatory on the basis of disability.

**143.53**

Athletic scholarships may be denied to students with disabilities on the basis of disability, if the disability renders the person unable to qualify physically for the award. For example, a student who has lost the use of his legs may be denied a varsity football scholarship on the basis of the student's inability to play football. However, a student who has a hearing-impairment could not, on the basis of disability, be denied a scholarship for the diving team; the student with a hearing-impairment could only be denied the scholarship on the basis of comparative diving ability.

**143.60 Student Employment**

Each campus, each Laboratory, the Office of the President, and the Division of Agriculture and Natural Resources may not employ University students in a manner that would violate Section 144.00 of these *Guidelines*.

When assisting outside agencies, organizations, or persons in providing employment opportunities for University students, campuses should assure themselves that such opportunities, as a whole, are available in a manner that would not violate Section 144.00 of these *Guidelines*.

**143.70 Physical Education, Athletics, and Similar Activities**

In providing physical education courses and athletics, and similar programs, services, and activities, campuses may not discriminate on the basis of disability. Qualified students or participants with disabilities in University programs, services, or activities should be provided with an equal opportunity to participate in physical education courses, intercollegiate, club, and intramural athletics or similar activities whether as part of the required curriculum or as an extracurricular activity. For example, a student who uses a wheelchair should not be denied the opportunity to enroll in a regular archery course, nor should a student who has a speech impairment be excluded from participating in a wrestling course.

Students with disabilities who cannot participate in regularly offered physical education courses or who cannot compete in athletic programs may be offered separate physical education and athletic activities designed to accommodate students with disabilities.

However, students with disabilities must be offered the opportunity to participate in regular physical education or athletic activities, in the most integrated setting possible, even if separate physical education or athletic programs for students with disabilities are offered.

### **143.80 Counseling and Placement Services**

Personal, academic, or career counseling, guidance, and placement services should be provided without discrimination on the basis of disability.

Campuses should ensure that qualified students with disabilities are not counseled toward more restrictive career objectives than are non-disabled students with similar interests and abilities. This does not preclude providing factual information about licensing and certification requirements that may present obstacles to individuals with disabilities in their pursuit of particular careers.

### **143.90 Social Organizations**

Before providing any significant assistance, such as financial support, use of University facilities, or official University recognition or affiliation, including, but not limited to, fraternities, sororities, or similar organizations, campuses shall assure themselves that these organizations do not permit discrimination that is otherwise prohibited by these *Guidelines*.

## **144.00 EMPLOYMENT PRACTICES**

The University may not discriminate against any qualified individual with a disability, on the basis of disability, in employment under any program, service, or activity, including any program, service, or activity that employs students with disabilities. Information concerning the University's employment policies as they apply to individuals with disabilities may be obtained from campus personnel offices or ADA/Section 504 Compliance Officers.

## **145.00 PROGRAM ACCESSIBILITY**

No qualified individual with a disability shall be denied, on the basis of that disability, the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any of the University's programs, services, or activities because University facilities are inaccessible to, or unusable by, individuals with disabilities. The University must make its programs, services, and activities accessible to and usable by any qualified individual with a disability, unless doing so would result in a fundamental alteration to the nature of its programs, services, and activities, or would result in undue financial and administrative burdens.

### **145.10 Existing Facilities**

Each program, service, or activity shall be operated so that, when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities, except where to do so would result in a fundamental alteration in the nature of the program, service, or activity or in undue financial and administrative burdens. This requirement does not mean that each facility, or every part of each facility must be accessible to and usable by individuals with disabilities. Accessibility may be achieved through other means such as:

- a. Redesign of equipment;
- b. Reassignment of classes or other services to accessible buildings;
- c. Assignment of aides to beneficiaries;
- d. Home visits;

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- e. Delivery of health, welfare, or other social services at alternate accessible sites;
- f. Use of accessible rolling stock or other conveyances (e.g., buses, shuttles, vans); or
- g. Alteration of existing facilities, including changes, additions, or modifications in construction or occupancy. Alterations of existing facilities will be implemented only when administrative solutions are either not feasible or not preferable and when there is no other way to make a program accessible. Neither a totally barrier-free environment, nor the removal of all architectural barriers in existing facilities is required. Regarding the methods selected, priority should be given to those that offer programs, services, and activities to individuals with disabilities in the most integrated setting appropriate to the individual's needs and to encourage, as appropriate, interaction among all users, including individuals with disabilities.

If sufficient relocation of classes is not possible using existing facilities, alterations to ensure program accessibility should be made. Students with disabilities may not be excluded from a specifically requested course offering because it is not offered in an accessible location, but every section of that course need not be made accessible.

Buildings leased by the University are not necessarily required to meet accessibility standards because they are not owned by the University. However, such buildings are subject to the program accessibility requirements stated above. If a leased building is altered, such alterations shall be constructed in compliance with applicable Federal and State accessibility standards.

#### **145.20 New Construction**

##### *145.21 New Facilities*

All new facilities constructed by, on behalf of, or for the use of the University shall be designed and constructed so that the facilities are readily accessible to and usable by individuals with disabilities. New construction shall be planned and constructed according to all applicable Federal accessibility regulations and State building codes.

##### *145.22 Altered or Remodeled Facilities*

Each facility or part of a facility constructed or altered by, on behalf of, or for the use of the University shall be designed, constructed, or altered to be readily accessible to, and usable by, individuals with disabilities. Altered or remodeled facilities shall be planned and constructed according to all applicable Federal accessibility regulations and State building codes.

#### **145.30 Transportation**

Campus/laboratory transportation systems and services shall comply with applicable Federal and State accessibility laws.

### **146.00 HEALTH, WELFARE, AND OTHER SOCIAL SERVICES AND BENEFITS**

Health care providers have the responsibility and authority to determine the nature and extent of medically necessary care and treatment for their patients. Subject to the foregoing, in providing health, welfare, or other social services or benefits, the University's hospitals, medical clinics, or other health-related programs may not, on the basis of disability:

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- a. Deny a qualified individual with a disability such benefits or services;
- b. Afford a qualified individual with a disability an opportunity to receive benefits or services that are not equal to those offered to individuals who do not have a disability;
- c. Provide a qualified individual with a disability with benefits or services that are not as effective as those provided to others (see Section 142.00 of these *Guidelines*);
- d. Provide benefits or services that limit or have the effect of limiting participation of qualified individuals with disabilities; or
- e. Provide different or separate benefits and services to individuals with disabilities, except when necessary to provide qualified individuals with disabilities with benefits and services as effective as those provided to others.

This Section does not require specialized hospitals and other health care providers to treat all individuals with disabilities. For example, a burn treatment center need not provide other types of medical treatment to individuals with disabilities unless it provides such medical services to individuals who do not have a disability. It could not, however, refuse to treat the burns of a person who is deaf because of his or her deafness.

Special programs, services, or activities for individuals with disabilities or classes of individuals with disabilities are permitted.

#### **146.10 Notice**

Any notice concerning benefits or services or written material concerning waivers of rights or consent to treatment shall ensure that qualified individuals with disabilities, including those with impaired sensory or speaking skills, are not denied effective notice because of their disability.

#### **146.20 Emergency Treatment for Hearing-Impaired Persons**

A procedure shall be established for effective communication with persons who are deaf or hard of hearing for the purpose of providing emergency health care. For example, a hospital may fulfill this responsibility by providing either full-time interpreters or interpreters on call, both within and outside the institution, and paper and pencils for written communications.

#### **146.30 Auxiliary Support Services and Devices**

Appropriate auxiliary support services and devices shall be provided to individuals with disabilities, when necessary, to afford them an equal opportunity to benefit from services offered by University hospitals, medical clinics, or health-related programs.

Auxiliary support services and devices may include, for example, brailled and taped material, and interpreters. In providing any type of auxiliary support services and devices, the University may require that individuals comply with campus rules regulating requests for and proper use of auxiliary support services and devices.

#### **146.40 Drug and Alcohol Addiction**

University hospitals, medical clinics, or health-related programs may not discriminate in admission or treatment against a person with a medical condition, because of the person's drug or alcohol abuse or alcoholism, although University health care providers have the responsibility and authority to determine the nature and extent of medically necessary care

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and treatment for their patients. This does not require that all facilities must treat drug addiction and alcoholism. For example, a cancer clinic may not refuse to treat a cancer patient because he or she is also an alcoholic. If the patient's primary problem is drug addiction or alcoholism, the clinic may refer him or her to a more appropriate facility.

#### **146.50 Education of Persons Admitted to University Medical Facilities**

Campuses should ensure that qualified individuals with disabilities, present in University medical facilities as a result of their disability and who qualify for public preschool, elementary, secondary, or adult educational services, are provided with access to these educational services for the period of their stay. For example, a campus hospital that admits an individual with a disability who qualifies for a free public elementary school education should ensure that appropriate elementary school officials are notified of the individual's presence and should provide access to these school officials, as medically appropriate, so that they may provide an "appropriate education" as defined in Subpart D of the Federal regulations implementing Section 504 of the Rehabilitation Act of 1973 (34 CFR Part 104).

#### **147.00 VOLUNTARY ACTION**

Each campus, each Laboratory, the Office of the President, and the Division of Agriculture and Natural Resources may take voluntary steps to overcome the effects of conditions that resulted in limited participation by qualified individuals with disabilities in its programs, services, or activities.

#### **148.00 NOTIFICATION AND PUBLICATION REQUIREMENTS**

##### **148.10 Content of Publication**

The implementing regulations of the Rehabilitation Act of 1973 require that students, beneficiaries, and applicants be informed that the University does not discriminate on the basis of disability. In addition, the Americans with Disabilities Act requires that applicants, participants, beneficiaries, and other interested persons be informed that the University does not discriminate against qualified individuals with disabilities on the basis of disability. It is the purpose of these *Guidelines* to apprise all such persons of those provisions.

##### **148.20 Designation of Compliance Officer**

Each campus, each Laboratory, the Office of the President, and the Division of Agriculture and Natural Resources shall designate at least one employee to coordinate compliance with the applicable sections of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, including investigation of grievances and handling of inquiries.

##### **148.30 Compliance Statement**

The compliance statement should read:

As required by applicable laws and regulations, the University of California does not discriminate on the basis of disability in admission or access to, or treatment in, the programs, services, and activities which it operates. Compliance statements should include the *Nondiscrimination Policy Statement for University of California Publications Regarding Student-Related Matters* found in Appendix C, which includes nondiscrimination on the basis of disability. Inquiries concerning these laws and regulations should be directed to (name, title, and telephone number of responsible

University official).

The individual named in the compliance statement should be the person designated by each campus, each Laboratory, the Office of the President or the Division of Agriculture and Natural Resources to coordinate compliance with applicable sections of the Rehabilitation Act of 1973 and with the Americans with Disabilities Act (see Section 148.20).

**148.40 Frequency of Publication**

The compliance statement should be included on a continuing basis in recruitment materials and publications containing general information that are made available to students, beneficiaries, applicants, or program participants.

**148.50 Medium of Publication**

Methods used for notification may include the posting of notices, publication in newspapers and magazines, placement of notices in official campus/laboratory publications, and distribution of memoranda or other written communications. Such notices should be available in accessible formats, which may include braille or taped formats.

**149.00 GRIEVANCE PROCEDURES**

Each Campus has established grievance procedures for students to deal with complaints and allegations of noncompliance with these *Guidelines*. Information concerning the University's grievance procedures as they apply to individuals with disabilities may be obtained from campus ADA/Section 504 Compliance Officers.

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**IV. COMPLIANCE/RESPONSIBILITIES**

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Chancellors shall adopt campus implementing regulations consistent with these *Policies*. The University shall publish these *Policies* and make them widely available, and Chancellors shall do the same with respect to the implementing regulations for their campuses. This requirement may be satisfied through the on-line publication of these *Policies* and their respective campus implementing regulations. (See also Section 13.20 of these *Policies*.)

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**V. PROCEDURES**

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The President shall consult as appropriate with Chancellors, Vice Presidents, the Office of the General Counsel, and Universitywide advisory committees prior to amending these *Policies*. Chancellors shall consult with faculty, students, and staff prior to submitting to the President any campus recommendations related to proposed amendments to these *Policies*. Amendments that are specifically mandated by law, however, do not require consultation with campus representatives or Universitywide advisory committees to the extent that legal requirements do not permit such consultation. (See also Section 13.10 of these *Policies*.)

Chancellors shall consult with students (including student governments), faculty, and staff in the development or revision of campus implementing regulations except when the development or revision of such regulations results from changes to these *Policies* that have been specifically mandated by law. Campuses shall specify procedures, including consultation processes, by which campus implementing regulations may be developed or revised. (See

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Guidelines Applying to Nondiscrimination on the Basis of Disability

also Section 13.30 of these *Policies*.)

Prior to their adoption, all proposed campus implementing regulations, including all substantive modifications to existing such regulations, shall be submitted to the Office of the President for review, in consultation with the Office of the General Counsel, for consistency with these *Policies* and the law. (See also Section 13.40 of these *Policies*.)

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## **VI. RELATED INFORMATION**

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See also Policies Applying to Campus Activities, Organizations and Students sections:

- 10.00 [Preamble and General Provisions](#)
- 11.00 [Authority](#)
- 12.00 [Applicability](#)
- 13.00 [Development and Review of Universitywide Policies and Campus Implementing Regulations](#)
- 14.00 [Definitions](#)

See also the [University of California Anti-Discrimination Policy](#).

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## **VII. FREQUENTLY ASKED QUESTIONS**

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Not applicable.

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## **VIII. REVISION HISTORY**

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**February 20, 2024:** Updated to reflect the issuance of the University of California Anti-Discrimination Policy.

**December 4, 2020:** Updated Responsible Officer/Office. This Policy was also remediated to meet Web Content Accessibility Guidelines (WCAG) 2.0.

**June 1, 2012:** Reformatted into the standard University of California policy template

**August 15, 1994:** Revised

**October 31, 1983:** Revised

**July 21, 1978:** Revised - Effective January 3, 1979

**October 29, 1973:** Revised

**September 1, 1970:** Original issuance