



## **Equal Opportunity Policy for Students with Disabilities**

Effective: 2023.12.01

### **I. Purpose**

The mission of the Universidad del Sagrado Corazón (“Sagrado” or “University”) is to educate persons in intellectual freedom and moral conscience who are willing to engage in the construction of a more authentically Christian Puerto Rican society--a community of solidarity, in justice and peace.

Sagrado is committed to the principle of respecting the dignity of each person and therefore treating each person with utmost respect. Sagrado prohibits discrimination and harassment and provides equal opportunity to all community members and applicants regardless of race, color, national origin, religion, sex, gender identity, pregnancy, physical or mental disability, genetic characteristics, ancestry, marital status, age, sexual orientation, citizenship, or status as covered veteran.

Sagrado is committed to building an inclusive community and welcomes all individuals. We are committed to the fair and equal treatment of all members of the University community. Persons with disabilities will be provided equal opportunities following the requirements of the Americans with Disabilities Act of 1990 (ADA), the Rehabilitation Act of 1973, and other applicable state and federal regulations.

### **II. Regulatory Context**

Section 504 of The Rehabilitation Act of 1973, as amended, is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial aid from the U.S. Department of Education. It requires recipients to provide students with disabilities appropriate educational services designed to meet the individual needs of such students to the same extent as the needs of students without disabilities are met. An appropriate education for a student with a disability under the Section 504 regulations could consist of education in regular classrooms, education in regular classes with supplementary services, and/or special education and related services.

### **III. Scope**

This Equal Opportunity Policy for Students with Disabilities (“Policy”) applies to students, faculty, administrative staff, and student support services staff.

## IV. Definitions

The Glossary of Terms provides the definitions of the terms used in this Policy.

## V. Guiding Principles

1. This Policy focuses on the student's rights to access appropriate academic accommodations for students with documented disabilities in accordance with Section 504 of the Federal Rehabilitation Act of 1973 and Title III of the Americans and Disabilities Act of 1990.
2. Students are welcome to self-identify as an individual with a disability. Self-identification is voluntary and the information provided will be kept confidential. Refusal to provide information will not result in any adverse action and will not be used in a manner inconsistent with university policies or applicable law.
3. Sagrado does not discriminate in the admission process of an eligible student with a disability, nor does it conduct pre-admission tests or investigations in relation to a person with physical, mental, or sensory impairments that may affect his/her admission process as established in the law to Prohibit Discrimination Against Persons with Physical, Mental or Sensory Disabilities, Act No. 44 of July 2, 1985, as amended (in Spanish, *Ley para Prohibir el Discrimen Contra las Personas con Impedimentos Físicos, Mentales o Sensoriales*).
4. Any person with a disability may voluntarily self-identify and request an extended admission process, accommodation, or reasonable modification to the University's admission process as established by the law on Extended Admission, Reasonable Accommodation and Retention for Students with Disabilities or Functional Diversity in Transition from High School to Post-Secondary Grades, Act No. 250 of September 15, 2012, as amended (in Spanish, *Ley de Admisión Extendida, Acomodo Razonable y Retención para Estudiantes con Impedimentos o Diversidad Funcional en Transición desde la Escuela Secundaria a Grados Postsecundarios*).
5. If a student voluntarily self-identifies as a student with a disability who needs auxiliary aids and/or services, he/she is obligated to provide notice of the nature of the disabling condition to Sagrado and to assist it in identifying appropriate and effective auxiliary aids. Sagrado may ask the student, in response to a request for auxiliary aids and/or services, to provide supporting diagnostic test results and professional prescriptions for auxiliary aids. Sagrado may also obtain its own professional determination of whether specific requested auxiliary aids are necessary.
6. While Sagrado is not required to provide the most sophisticated auxiliary aids and/or services available; the aids provided must effectively meet the needs of a student with a disability. Sagrado has flexibility in choosing the specific aid or service it provides to the student, as long as the aid or service selected is effective. These aids should be selected after consultation with the student who will use them and should consider the appropriateness of an aid or service in its specific context.

7. The determination of whether a student (a) has a physical or mental impairment that substantially limits a major life activity, (b) has a record of such an impairment; or (c) may be regarded as having such an impairment must be made on the basis of an individual assessment.
8. Disability determinations will be made “without regard to the ameliorative effects of mitigating measures” such as medication, hearing aids, other technology, reasonable modifications, “learned behavioral or adaptive neurological modifications” or other such interventions – with the exception of ordinary eyeglasses or contact lenses.
9. Sagrado provides students with appropriate academic modifications, residential accommodations, auxiliary aids, and services that are necessary to afford an individual with a disability an equal opportunity to participate in the University’s academics, extracurricular activities, athletics, and other activities regardless of where they occur (e.g., in the University’s campus, or bus, at a class or training program sponsored by the University at another location, or elsewhere off campus). Academic modifications do not lower expectations for learning. Adjustments are meant to provide equal access to students with disabilities but does not require the University to make modifications and/or provide aids and/or services that would result in a fundamental alteration of the University’s activities and/or impose an undue burden.
10. Sagrado may re-evaluate a student and determine that the student's mental or physical impairment no longer substantially limits his/her ability to learn or any other major life activity, and, therefore, that he/she is no longer eligible for auxiliary aids and/or services.
11. The University will make every reasonable effort to provide the reasonable accommodation requested by the students with disabilities; provided that, if the accommodation requested is not available and/or the University cannot provide such accommodation because it is an onerous burden to the University, the University will engage in a interactive process with the student to identify other possible accommodations.

## **VI. Evaluation**

1. Sagrado has a serious and robust process to evaluate whether a student is a qualified disabled student and to ensure that students are properly classified based on the appropriate selection, administration, and interpretation of evaluation materials.
2. The evaluation process describes the initial evaluation of students who need or are believed to need special education and/or related services because of disability.
3. The evaluation is performed by persons knowledgeable about the student, the meaning of the evaluation data, and the placement options.
4. Sagrado will conduct periodic re-evaluations to determine whether the student's mental or physical impairment continues to substantially limit his/her ability to learn or any other major life activity.

5. Sagrado will provide appropriate auxiliary aids and services where necessary to afford students with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity. Students are encouraged to self-identify the need for an auxiliary aid and give adequate notice of the need.

## **VII. Confidentiality and Disclosure of Information**

The confidentiality of disability-related information is protected under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990.

Confidentiality is strictly enforced in order to protect the privacy of the student and to prevent the student from being discriminated against based on a disability. Disability-related information is treated as medical information and is handled under the same strict rules of confidentiality as other medical information.

Sagrado will not disclose a student's disability-related information without his/her written authorization, except that:

- a. faculty and instructors required to assist the student will be informed of the necessary adjustment, which may imply disability information if the student has signed an authorization form;
- b. safety and health personnel may be informed as necessary if emergency treatment is needed;
- c. government or University officials investigating compliance with applicable disability law shall be informed upon request; and
- d. as may be required by law.

## **VIII. Retaliation**

Sagrado prohibits any act of retaliation including intimidating, threatening, coercing, or discriminating against a student or other person for the purpose of interfering with any right or privilege secured by Section 504.

## **IX. Questions About this Policy**

This Policy is approved by the President of the University with the advice and counsel of the office of the General Counsel. Questions on the scope and interpretation of this Policy should be directed to the Dean of Student Affairs [decanatoestudiantil@sagrado.edu](mailto:decanatoestudiantil@sagrado.edu)

If there is any ambiguity in any provision of this Policy, the University reserves the discretion to interpret it in accordance with the purpose for which it was established, the impact on the University's operations, and good faith, unless otherwise provided by law.

## **X. Reporting Violations**

Violations to this Policy should be directed to the Office of Compliance, Internal Audit, and Institutional Integrity at [cumplimineto@sagrado.edu](mailto:cumplimineto@sagrado.edu). Any violations of this Policy will be addressed in accordance with the University's policies and procedures.

  
**Gilberto J. Marxuach Torrós**  
President

## Glossary of Terms

1. *Auxiliary aids and services* – equipment or technology that can help a person with a disability access your goods or services including but not limited to qualified readers, taped texts, audio recordings, braille and large print materials, or other effective methods of making audible, written, and visually represented information accessible to individuals.
2. *Equal Access* - means equal opportunity for a qualified person with a disability to take part in or benefit from educational aid, benefits, or services.
3. *Extended admission process* – the Extended Admission, Reasonable Accommodation and Retention for Students with Disabilities or Functional Diversity in Transition from High School to Post-Secondary Grades, Act No. 250 of September 15, 2012, as amended provides for a reasonable modification to the regular admission process to evaluate candidates with disabilities applying for admission.
4. *Major Life Activities* - is an impairment that substantially limits one or more major life activities such as: caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and the operation of a major bodily function.
5. *Mental Impairment* – any mental or psychological disorder, such as intellectual disabilities (formerly called "mental retardation"), organic brain syndrome, emotional or mental illness, and specific learning disabilities.
6. *Physical Impairment* - is 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, immune, circulatory, hemic, and lymphatic, skin, and endocrine.
7. *Placement* – in the academic context, is a regular and/or special educational program in which a student receives educational and/or related services.
8. *Qualified Student* - a student with a disability who meets the academic and technical standards requisite for admission or participation in an institution's educational program or activity.
9. *Reasonable Accommodation or Reasonable Modification* – is an adequate or appropriate adaptation, change, alteration, measure or adjustment to be made to enable or empower a student with disabilities or functional diversity to participate in all aspects of curricular and extracurricular educational activities, educational, recreational, athletic and cultural or residential settings as part of the formal learning process to enable the student to participate and perform in an inclusive, accessible and

comparable manner. This accommodation or modification will be recommended by a health care professional, or specialist in the area of disability whose academic preparation, credentials, and scope of practice allow him/her to perform this function.

10. *Record of a Substantially Limiting Condition* - is when a person has a history of an impairment that substantially limits a major life activity but who has recovered from the impairment (e.g., persons who have histories of mental or emotional illness, drug addiction, alcoholism, heart disease, or cancer).
11. *Regarded as Having such an Impairment* - is when a person establishes that he/she has been subjected to a prohibited action because of an actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity.
12. *Related Services* – in the academic context, is a developmental, corrective, and other supportive services (e.g., psychological, counseling, and medical diagnostic services and transportation).