



MEMORANDUM

TO: University Council

FROM: Chris Hurley, ETSU Health and Safety Specialist; Mary Little, Director, Disability Services; Kay Lennon-McGrew, Esq., Deputy University Counsel & Policy Counsel; Harden Scragg, Esq., Assoc. Policy Counsel

DATE: 12/11/2023

RE: Policy/Policies for 12/11/2023 UC Meeting

I. **Housing and Meal Plan Accommodations.**

A. **Policy Purpose.**

This policy specifies the requirements for a student with a Disability to request a housing or meal plan accommodation. A copy of the policy is attached.

B. **Public Comment Period.**

This policy was posted for public comment from 11/15/23 through 11/29/23. The following substantive comments were received:

1. Comment from: Leonard Granda:

"I agree the definition of undue burden needs to change. According to ADA in Section II (and III if private funds) and Section 504, Once a student has sufficiently documented that he or she has a qualifying disability, a college is responsible for providing reasonable accommodations or modifications that do not result in unfair advantage, require significant alteration to the program or activity, result in the lowering of academic or technical standards, or cause the college to incur undue financial hardship. Financial resources is not only from the state but also federal and local and private donations. please remove "facts about reasonable accommodations that make the request unreasonable". it's too vague and not clear.

I would suggest defining undue burden as any modifications or accommodations that shall not be fundamentally altered that cause extreme or significant difficulties or expense to the university or its programs.

One example of alternation is to place a Deaf student that uses American Sign Language in a housing that provides Living and Learning community for students interested in taking ASL or pair up with a roommate that may be able to use ASL or is learning ASL on campus.”

Sponsor’s Response: The defined term has been revised to take your comment into consideration.

2. Comment from Susan Epps:

“In the defined terms, the definition of undue burden reads that the facts are an undue burden; isn’t an undue burden an accommodation that would create unreasonable expense or difficulty?”

Sponsor’s Response: The defined term has been revised to take your comment into consideration.

3. Comment from Darryl Stevens:

“This policy looks reasonable and pretty clear. I’ve been on the housing and dining contract appeals committee for about 25 years and heard a few cases related to accommodations. This should streamline things and be better for both the student and the university.”

Sponsor’s Response:

Thank you for your comment.

C. Legal Review.

The Office of University Counsel completed its review of this policy on DATE and found no legal issues.

D. Recommendation.

IN CONSIDERATION of all of the above, the Office of University Counsel confirms the requirements under the Policy and Development and Administrative Rulemaking Policy have been met and the Office of Disability Services recommends **APPROVAL** of the Housing and Meal Plan Accommodations Policy.

II. Laboratory Safety Inspection Policy

This policy specifies the East Tennessee State University (ETSU or University) Laboratory safety inspection process in compliance with state and federal regulatory requirements.

B. Public Comment Period.

This policy was posted for public comment from 11/06/23 through 11/20/2023.

No comments were received during the public comment period.

C. Legal Review.

The Office of University Counsel completed its review of this policy on 11/28/2022 and found no legal issues.

D. Recommendation.

IN CONSIDERATION of all of the above, the Office of University Counsel confirms the requirements under the Policy and Development and Administrative Rulemaking Policy have been met and the Office of Environmental Health and Safety recommends **APPROVAL** of Laboratory Safety Inspection Policy