Fundamental Alteration Process

Towson University provides reasonable accommodations to students with disabilities. However, an accommodation may not be provided if it would fundamentally alter a course or program. A fundamental alteration is a change that is so significant that it alters the essential nature of a course or a program of instruction.

# Notice

If a faculty member believes that an Accessibility and Disability Services (ADS) approved accommodation fundamentally alters the academic objectives of a course or program, they should contact ADS and their department chair immediately.

# Assembling a Committee

If a reasonable basis exists to believe there is a legitimate fundamental alteration question, a committee of objective persons will convene to assess whether the accommodation constitutes a fundamental alteration; when and where possible, the faculty member is invited to be part of the committee. The committee should include faculty members who are knowledgeable about the academic area, any related licensing requirements, and any applicable accreditation for the course of the student. The faculty members on the committee should not be limited to faculty members from the department that provides the course or program. The committee should also include at least one faculty member from the college who is specifically trained on fundamental alteration assessments. Additionally, it should include the Director of ADS (or ADS designee), the ADA Coordinator (or Office of Inclusion and Institutional Equity (OIIE) designee), and the Vice Provost (or Office of the Provost designee). The committee should be assembled as promptly as possible.

# Assessment

Once convened, the committee should diligently consider the objective of the requirement believed to be fundamentally altered by the accommodation. The committee should take into consideration the information provided by the faculty member, program, or department concerning essential requirements. In diligently assessing the matter, the committee should consider the following factors:

* The nature and purpose of the course and program;
* The relationship of the objective/standard to the functional elements of the course and program;
* Whether exceptions or alternatives are or have been permitted;
* Whether the standard is required in similar programs in other institutions;
* Whether the standard is essential to the vocation and/or discipline for which the program is preparing students; and
* Whether the standard is required for licensure or certification in a related occupation or profession, assuming the program has an objective licensure, etc.

When the academic adjustment relates to attendance, the following factors should also be considered:

* Whether there is classroom interaction between the faculty member and students, and among students;
* Whether student contributions constitute a significant component of the learning process;
* Whether the fundamental nature of the course relies upon student participation as an essential method for learning and assessment;
* To what degree a student’s failure to attend constitutes a significant loss to the educational experience of other students in the class;
* What the course description and syllabus says;
* The method by which the final course grade is calculated;
* What are classroom practices and policies regarding attendance? Is the attendance policy equally applied? Has the policy been modified for others or have any exceptions been made to the policy for students without identified disabilities (e.g., are athletes allowed excused absences)? Is the attendance policy similar to that of faculty teaching other sections of the course?

Finally, the committee should also consider whether notice of the essential requirement in question has been provided to the student.

# Determination

After weighing all of the information, the committee will determine whether the accommodation requested by the student would fundamentally alter an objective of the course/program requirement. The committee will notify the student of the decision in writing and copy the faculty member. If the committee determines that the accommodation would not fundamentally alter the course/program, the accommodation will be implemented, and ADS will work with the faculty member to provide support implementing the accommodation. If the requested accommodation would fundamentally alter the course/program, the committee (or designated members), in consultation with the student, will promptly and diligently search for alternative accommodations. If in the course of deliberating, the committee identifies an alternative effective accommodation, it should articulate that in the written decision.

# Emergency Determinations

Time is of the essence when assessing whether an accommodation fundamentally alters a course/program. The fundamental alteration committee will convene and deliberate as quickly as practicable. In the event that an interim decision regarding an accommodation needs to be made before the committee has completed their assessment, the interim decision will be made jointly by the Director of ADS and the ADA Coordinator based on consultation with the student and faculty member. The interim determination will only be in place until the committee reaches a final determination.