

# Disability Accommodations and Support Services

Policy EM014

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Responsible Administrator: Director of Disability Support Services (FIT-ABLE)

Responsible Office: Disability Support Services (FIT-ABLE)

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## Policy Statement

The Fashion Institute of Technology (“FIT” or “the college”) will provide qualified students who have a disability with reasonable accommodations that allow them the opportunity to learn in a non-discriminatory environment commensurate to their chosen educational goals. Reasonable accommodations to the academic, housing, dining hall, and other programs and activities are determined after the student provides the Office of Disability Support Services, FIT-ABLE (“FIT-ABLE”) with the requested documentation and an intake meeting is set up between the student and the FIT-ABLE office. Reasonable accommodations are determined on an individual, case-by-case, course-by-course, semester-by-semester basis, and in accordance with all applicable federal, state, and local laws, including the Americans with Disabilities Act of 1990 (as amended) and Section 504 of the Rehabilitation Act of 1973. Disabilities that may need accommodations can include learning, physical, sensory, psychological, medical, and certain temporary disabilities. A diagnosis of a disorder or submission of documentation does not automatically qualify an individual for accommodations.

## Reason for the Policy

This policy and procedure enable FIT to comply with federal, state, and local law, including the Americans with Disabilities Act of 1990 (as amended) and Section 504 of the Rehabilitation Act of 1973, which require reasonable accommodations made for otherwise qualified students with disabilities and prohibit the college from excluding such students from, or denying them the benefits of, its programs or activities.

## Who is Responsible for this Policy

- Office of Disability Support Services, FIT-ABLE

## Who is Affected by this Policy

- Students
- Faculty
- Staff

## Definitions

The following terms are applied by FIT in accordance with, and by using, the definitions supplied by law and regulations, which are summarized here.

- **Accommodations** are defined as any adjustment to a program or activity that enables an otherwise qualified student with a disability to have equal access to the college's programs and activities, inside or outside the classroom. A reasonable accommodation is an action that may be taken by the college to accommodate an individual with a documented disability without imposing an undue hardship on the college. An accommodation imposes an undue hardship on the college if it constitutes an undue financial and/or administrative burden on the college, or it requires a fundamental alteration in the nature of the program or activity.
- **Disability** means, with respect to an individual, a physical or mental impairment that substantially limits one or more major life activities or a record of such an impairment.
- **Cooperative Dialogue** means the "'process by which a covered entity and a person entitled to an accommodation, or who may be entitled to an accommodation under the law, engage in good faith in a written or oral dialogue concerning the person's accommodation needs; potential accommodations that may address the person's accommodation needs, including alternatives to a requested accommodation; and the difficulties that such potential accommodations may pose for the covered entity."
- **Major Life Activities** include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, working, and major bodily functions, which include functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- **Otherwise qualified students** are those who meet the academic and technical standards requisite to admission or to participation in the educational program or activity, with or without reasonable modifications to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services.
- **Substantially Limits:** An individual's major life activity is substantially limited if the individual is unable to perform a major life activity that an average person in the general population can perform. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. Mitigating measures taken by the individual will not be taken into consideration in determining whether the individual is substantially limited in a major life activity, except for corrective eyewear.

## Principles

- **Reasonable Accommodations**  
It is the policy of FIT to provide otherwise qualified students who have documented disabilities with reasonable accommodation(s) to ensure equal access and equal opportunities in the college's programs and services, based upon relevant laws, the college's educational standards, and sound ethical practice in disability services. Decisions about what constitutes reasonable accommodation are made by the FIT-ABLE office of Disability Support Services through an interactive process. The college will engage in a Cooperative Dialogue with a student who

requires a reasonable accommodation to determine the student's needs, potential accommodations that may address those needs, including alternatives to a requested accommodation, and any difficulty that any potential accommodations may pose for the college. Reasonable accommodations are available for any student: undergraduate and graduate, degree-seeking and non-degree seeking, full-time and part-time.

Only students who self-identify to FIT-ABLE and seek accommodation using the procedures outlined in this policy are eligible. Faculty or staff who receive requests for accommodations from students are encouraged to refer the students to FIT-ABLE, and should not try to make any determinations without the participation of FIT-ABLE. Students engaged in academic work off-site (such as internships for course credit and/or study abroad) should contact FIT-ABLE to determine what accommodations are appropriate. In the case of academic coursework taken at another institution of higher learning, FIT-ABLE will serve as consultant and information source for students arranging accommodations at those locations.

The purpose of reasonable accommodations is to make sure otherwise qualified students have access to the academic material and access to demonstrate that they mastered the material, and to provide access to other programs and activities at the college. Accommodations are not a substitute for appropriate medical treatment, medication, or counseling.

FIT cannot grant requests for accommodations that would pose an undue hardship to FIT, as defined in this policy. Examples of situations that may pose an undue hardship include, but are not limited to:

- Requests that would require substantial modifications to academic standards;
- Requests to modify or adjust requirements that are essential to any program of instruction, program or activity, or essential to any directly related licensing requirement; or
- Requests that would result in undue hardship on the college taking into consideration the nature, cost, and impact of the accommodation, and other factors.

Service animals and emotional support animals are governed by FIT's policy on Disability Accommodations for Service and Support Animals.

- **Pregnant Students**

It is the policy of FIT to provide otherwise qualified students who have documented pregnancy and related conditions (e.g. childbirth, false pregnancy, termination of pregnancy, or related recovery) with reasonable accommodation(s) to ensure equal access and equal opportunities in the college's programs and services. Pregnancy and related conditions are protected under Title IX. Requests for reasonable accommodations for pregnancy and related conditions should, however, be made to FIT-ABLE using the same procedures outlined in this policy.

- **National Voter Registration Act**

Under the National Voter Registration Act, FIT-ABLE is a designated voter registration site, where students with disabilities can register to vote. This office also provides campus voting information.

- **Privacy of Student Information**

All education records at FIT, including records received and managed by FIT-ABLE, are stored and handled in accordance with the Family Educational Rights and Privacy Act (FERPA). FERPA

protects education records and information contained in those records from unauthorized disclosure. For more information about FERPA, refer to the Related Policy section to view FIT's FERPA policy.

## Responsibilities

**Disability Support Services (FIT-ABLE)** is responsible for:

- Receiving and reviewing accommodation requests;
- Determining appropriate reasonable accommodation(s) for the student's disability;
- Communicating all appropriate notifications regarding the determination, in writing, including to the student, the student's faculty members, and, for non-academic accommodations, the appropriate departments; and
- Providing the Dean of Students appropriate records in the event of an appeal of an accommodation decision.

**Dean of Students** is responsible for:

- Responding to, and evaluating, student appeals of FIT-ABLE decisions;
- Notifying the Director of FIT-ABLE when appeals are received;
- Reviewing appeals and making appropriate determinations; and
- Responding to appeals, in writing, with the final resolution.

**Faculty and other appropriate departmental employees** are responsible for:

- Providing the determined accommodation in accordance with the decision of FIT-ABLE.

**Students** are responsible for:

- Disclosing their disability to FIT-ABLE in order to seek an accommodation.

**Title IX Coordinator/Affirmative Action Officer** is responsible for:

- Responding to, and evaluating, student complaints of improper treatment based on disability in alignment with procedures in FIT's Nondiscrimination and Anti-Harassment policy.

## Procedures

This is the procedure for all otherwise qualified students with a disability, as well as pregnant students, to seek reasonable accommodations in any of the programs and activities at FIT. In addition to academic accommodation, FIT-ABLE makes accommodation determinations for other college programs and activities and coordinates the efforts of college departments such as Facilities, Residential Life, Dining Services, Office of the Registrar, Athletics, and Student Life to address special access and service issues related to a student's educational experience.

- **Student Disclosure and Registration with FIT-ABLE**

Students may always choose whether or not they want to identify themselves as having a disability, but students who want the college to provide an accommodation must do so. Students with disabilities who seek accommodations, in their courses or otherwise, must register with FIT-ABLE through the "New Student Intake" form located on the FITABLE website. After completion of the intake form, the student will receive an email notification requesting that they schedule an intake appointment.

Registration is a voluntary process and may occur at any time during the student's course of study, however, it is recommended that requests are made with enough time to be reasonably

implemented. FIT's Residential Life establishes dates during the housing application process by which it strongly encourages students to request housing accommodations. Accommodations will be implemented after approval by FIT-ABLE and are not retroactive to the beginning of the semester. Students who wish to document a disability may include, but are not limited to:

- Students entering the college for the first time or returning after a period of non-enrollment, who have a known disability;
- Students experiencing educational difficulty who are referred by a faculty member or college official for consultation regarding the possibility of disability; and
- Students whose health and/or physical abilities are altered during their educational tenure resulting in a disability (permanent or temporary).

- **Documentation**

The student is solely responsible for providing all diagnostic information to sufficiently support the existence of any disability and the need for reasonable accommodation. In certain instances, however, FIT-ABLE may request that a student provide authorization for FIT to directly contact and receive information from the student's qualified professional. Documentation must be provided by a non-FIT related qualified professional in the related field of disability, most often a physician, educational diagnostician, learning disability specialist, or mental health professional. Qualified professionals are licensed or otherwise properly credentialed and possess expertise in the disability for which modifications or accommodations are sought. The qualified professional must have a legitimate provider/patient relationship with the individual and generally may not be a relative of the individual requesting the accommodation. FITABLE can offer outside referrals for diagnostic services. All costs associated with diagnostic study incurred off campus, however, are the responsibility of the student. Further information about required documentation and verification of a disability is available on the FIT-ABLE website under Disability Documentation Requirements.

Qualified FIT-ABLE staff are responsible for deciding whether a disability or need for accommodation(s) has been adequately documented.

- **Requesting an Accommodation**

As with registration of a disability, students should make accommodation requests as far in advance of the relevant course, exam, activity, or program as possible to allow for appropriate consideration and planning. Because the reasonableness of any individual accommodation request can vary substantially depending upon a student's current course load, schedule, or course content, accommodation requests must be reviewed by the FITABLE each semester or session of enrollment.

It is recommended that students entering the college for the first time should submit information related to their disability and related accommodation request as soon as possible after being accepted so that reasonable accommodation can be arranged and delivered in a timely fashion. Support and services that might have been an appropriate academic accommodation in the student's education prior to attending FIT may not be appropriate and/or reasonable at FIT. FIT is under no obligation to continue the services given in high school or other previously attended institution.

Having provided sufficient evidence of a disability and need for accommodation, a student may make official requests for accommodation through FIT-ABLE. The office will consider information including the student's self-report, the student's interactions with the FIT-ABLE

disability professional, the external educational or medical documents submitted by the student, and may, where necessary and appropriate, consult with FIT professionals with relevant expertise related to evaluation of the request who have a legitimate educational interest under FERPA and as otherwise consistent with law.

After conducting this review, FIT-ABLE will determine what constitutes reasonable accommodation(s) for the student's disability.

- **Notification**

FIT-ABLE will identify a list of approved accommodations in accordance with the manifestations of the disability, a copy of which will be shared with the faculty and the student. For academic accommodations, following review and approval at the start of each semester or session of enrollment, the office will prepare an individual email notification for each faculty member summarizing the approved accommodations relevant to the faculty member's course. The student will also receive an email notification and is responsible for additionally sharing this information with the appropriate faculty member(s) to notify them of eligibility and the accommodations. FIT-ABLE strongly encourages students to meet with instructors early in the semester to discuss how particular accommodations will work in individual courses.

Notification for students who have requested accommodations in a non-academic setting (Residential Life, Dining Services, etc.) will be sent to the appropriate department employee responsible for the student's accommodations. The student will also receive a copy of the notification and is responsible for meeting with the employee who will be implementing the accommodation to discuss how the accommodation will work in the specific setting. Faculty and other college employees are required to provide reasonable accommodation(s) in accordance with FIT-ABLE's determinations. Students are encouraged to continue to work with FIT-ABLE throughout the semester as needed, but especially if they are experiencing any issues related to their accommodations.

In the event that FIT-ABLE denies or proposes a modification of a student's request for accommodation, FIT-ABLE will provide the student with written notice of its decision, including supporting rationale.

- **Appeal of Accommodation Determination**

If a student disagrees with the decision of FIT-ABLE to deny services through this office, or with the specific accommodations approved by this office, they may request reconsideration of the decision by submitting a formal, written, appeal to the Dean of Students Office within five (5) business days of the decision and must include all documentation for consideration.

The Dean of Students will notify the Director of FIT-ABLE and reserves the right to obtain additional information from the student's file relevant to the request including, but not limited to, documentation of the disability, and any appropriate accommodation(s) recommended by the Director.

Within 15 days of receipt of the appeal, the Dean of Students will contact the student to discuss the appeal and possible resolutions. Within five (5) business days of discussing with the student, and reviewing the documentation, the Dean of Students will respond in writing with the final resolution of the appeal.

- **Internal Complaints**

If a student believes that a faculty member, office, program, or activity has refused to provide accommodation following the decision of FIT-ABLE, the student should first request assistance from FIT-ABLE in resolving the complaint.

If the complaint cannot be resolved in this manner, involves actions taken or not taken by FIT-ABLE, or if a student has another type of complaint of improper treatment based on disability, they may file an internal complaint with the Affirmative Action Officer by emailing [titleix@fitnyc.edu](mailto:titleix@fitnyc.edu). For more detail on procedures for filing such a complaint, see FIT's Nondiscrimination and Anti-Harassment policy in Related Policies below.

Pending the resolution of a complaint, FIT-ABLE will take steps to implement accommodations that it deems reasonable. The student's use of such accommodations during the interim period does not preclude the student from pursuing a complaint on the basis that additional or different accommodations must be provided to comply with the law.

- **External Complaints**

While FIT encourages students to resolve complaints through the internal complaint process, students have a right to:

- [file a complaint with the Office of Civil Rights](#) at any time. The Statute of Limitations for filing a complaint with the Office of Civil Rights is 180 days from the time the incident occurred; or
- [file a complaint with the New York State Division of Human Rights](#). All unlawful discrimination claims for incidents occurring on or after February 15, 2024 can be filed within three (3) years of the alleged discrimination.

## Violations

N/A

## Related Policies

- [Disability Accommodations for Service and Support Animals](#)
- [Nondiscrimination and Anti-harassment](#)
- [Family Educational Rights and Privacy Act\(FERPA\)](#)
- [Reasonable Workplace Accommodations](#)

## Related Documents

- [FIT-ABLE website on Accommodations](#)
- [U.S. Department of Justice Information and Technical Assistance on the Americans with Disabilities Act](#)
- [FIT-ABLE website on Disability Documentation Requirements](#)
- [National Voter Registration Act, 1993](#)
- [U.S. Department of Education FAQ on Section 504 of the Rehabilitation Act, 1973](#)

## Contacts

- **Director of FIT-ABLE**  
Office of Disability Support Services, FIT-ABLE

Dubinsky Center, A570  
(212) 217-4090

- **Title IX Coordinator (Affirmative Action Officer)**  
Affirmative Action and Title IX Office  
333 7th Ave. 14th Floor  
(212) 217-3360