

JACKSONVILLE STATE UNIVERSITY

Manual of Policies and Procedures

POLICY NO.: II.18

DATE: March 2026

REVIEW/REVISION DATES:

SUBJECT: Fundamental Alterations in Courses and Programs

APPROVED: Dr. Don C. Killingsworth, Jr., President

PURPOSE

The purpose of this policy is to ensure that Jacksonville State University (“JSU” or “University”) meets its obligations under the Americans with Disabilities Act (“ADA”) by providing a clear, consistent, and equitable process for determining when a requested accommodation may fundamentally alter the essential elements of a course or program. Through the Fundamental Alteration Protocol, this policy supports collaborative, individualized, and interactive decision-making process that preserves both the University’s commitment to equal access for students with disabilities and the integrity of academic standards.

POLICY

The ADA states, “A public entity must reasonably modify its policies, practices, or procedures to avoid discrimination.” The ADA further indicates, “If the public entity can demonstrate, however, that the modifications would fundamentally alter the nature of its service, program, or activity, it is not required to make the modification” ([US Department of Justice, 1993](#)).

As it relates to accommodations and fundamental alterations, the Department of Justice Office of Civil Rights, through various cases, has clarified that colleges and universities must adhere to the following:

- [OCR No. 10-16-2203](#):
 1. Engage with each student in an individualized, interactive process regarding their request for accommodations.
 2. Avoid blanket statements or policies regarding accommodations.

- OCR No. 01-16-2113:
 1. The student must not be left to negotiate their accommodations with faculty.
 2. The student must not be put in the place of requesting their accommodation more than once.
- OCR Nos. 01-16-2120, OCR No. 01-16-2120, 03-14-2248, and (OCR No. 01-16-2120):
 1. The decision of whether an accommodation may fundamentally alter an essential course/program objective must be made by a group of knowledgeable and trained individuals. This group must be from within the college as well as the designated disability office at the institution.
 2. The group pursues a thoughtful, careful, rational review of the course/program essential objectives and requirements, and
 3. The group considers a series of alternatives and modifications that does not fundamentally alter the course/program even if it is not the accommodation originally requested.

Taking into consideration OCR cases, regulations, and best practices, the following Fundamental Alteration Protocol is used at JSU when a need to determine if a fundamental alteration exists:

PROCEDURES

1. If a reasonable basis exists to believe there is a legitimate fundamental alteration questions, the faculty member will initiate a review request with the Disability Resource Office who will verify that the instructor, department, and/or program have articulated the essential requirements for the course and/or program and provided notice of them to students.
2. The Disability Resource Office will communicate the request to the faculty's Department Head and they will work jointly to gather a committee of objective persons who collectively are knowledgeable about the academic area, any related licensing requirements, any applicable accreditation for the course of study, the student's disability, and accommodation methods. The committee should not be limited exclusively to individuals from the department that provides the course or program and the majority of the members of the committee shall be faculty.

3. The committee should identify the objective of the requirement, taking into consideration the information provided by the instructor, program or department concerning essential requirements, including curriculum approval or course creation documents. The committee will ensure that the requirement is not simply based on tradition or routine practice without direct connection to essential requirements.
4. The committee should consider whether the requirement is consistent with similar programs at other educational institutions, and with relevant national and expert guidelines; and whether there is any unique justification for a requirement that is not generally adopted by other educational institutions.
5. The committee should consider information provided by the student relevant to determining whether notice of the essential requirement in question has been provided to the student, and whether the accommodation requested by the student would invalidate the objective of the requirement.
6. The committee should determine whether the accommodation requested by the student would invalidate the objective of the requirement. If not, the accommodation will be implemented.
7. If the requested accommodation would invalidate the objective of the requirement, the committee (or designated members) will promptly and diligently search for alternate accommodations in consultation with the faculty member, Disability Resources, program, and the student.
8. The committee should address the following:
 - a. Are there alternate ways that the student can acquire or demonstrate mastery of the skill that would meet the same fundamental objectives of the course or program?
 - b. Have we diligently searched for potential alternatives?
 - c. Have we included all the necessary people in this search?
 - d. Have we identified whether other postsecondary institutions have identified alternatives that achieve the objectives of the College without fundamentally altering requirements?
9. If the committee has explored this issue in a well-reasoned manner, without resort to a pretext for discrimination, believes the accommodation would fundamentally alter the essential elements of the course or program and no reasonable alternative accommodations exist, then the accommodation can be denied.

RESPONSIBILITY

The Provost and Executive Vice President for Academic Affairs is responsible for this policy.

EVALUATION

This policy will be reviewed at least every five (5) years.