

NUMBER: SDRC 1.01

SECTION: Student Disability Resource Center

SUBJECT: Face Covering Accommodations During Communicable Disease Outbreak

DATE: July 15, 2020

REVISED: July 15, 2020

Policy for: Student Disability Resource Center; Columbia Campus

Procedure for: Student Disability Resource Center; Columbia Campus

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Issued by: Student Disability Resource Center

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## Purpose

This document follows the University of South Carolina's policy on implementing public health directives during a period of a communicable disease outbreak in accordance with guidance from public health officials and governmental entities. Students who have documented conditions that could be exacerbated by wearing face coverings should submit an application to become registered with the [Student Disability Resource Center](#). Students who become registered with the SDRC will be entitled to reasonable accommodations that may help mitigate issues caused by face coverings mandates.

## Key Terms

**ADA** - The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else. Title II of the ADA prohibits discrimination against qualified individuals with disabilities in all programs, activities, and services of public entities.

**Direct Threat** - A "**direct threat**" is "a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation."<sup>(20)</sup> If an individual with a disability poses a direct threat despite reasonable accommodation, he or she is not protected by the nondiscrimination provisions of the ADA.

Assessments of whether an employee poses a direct threat in the workplace must be based on objective, factual information, "not on subjective perceptions . . . [or] irrational fears" about a specific disability or disabilities.<sup>(21)</sup> The EEOC's regulations identify four factors to consider when determining whether an employee poses a direct threat: (1) the duration of the risk; (2) the nature and severity of the potential harm; (3) the likelihood that potential harm will occur; and (4) the imminence of the potential harm.<sup>(22)</sup>

**Face Covering** - A face covering is a material that covers the nose and mouth. It can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as paper, cotton, silk, or linen. A face covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, T-shirts, sweatshirts, or towels; a face covering could be a face shield made of a clear material, for particular instructional needs or for individuals who cannot wear a traditional face covering. [https://sc.edu/safety/coronavirus/safety\\_guidelines/face\\_coverings/index.php](https://sc.edu/safety/coronavirus/safety_guidelines/face_coverings/index.php)

## Policy

In order to protect the health, safety and welfare of our faculty, staff and students, the USC institutions rely upon guidance from the Centers for Disease Control and Prevention (CDC), the SC Department of Health and Environmental Control (DHEC), and public health and medical professionals in making decisions about campus response to a communicable disease outbreak. Enacting public health mandates for students, faculty, and staff is also influenced by federal, state and municipal government directives (for example, the governor declaring a state of emergency or the mayor issuing specific mandates on citizen behavior modification). The duration of public health mandate enforcement by the university will vary based on the duration of the communicable disease itself, guidance from governmental and medical organizations, and the status of active cases in the area.

UNIV 3.04 <http://www.sc.edu/policies/ppm/univ304.pdf>

**Based on guidance of the CDC and public health authorities as of March 2020, the COVID-19 pandemic meets the direct threat standard. The CDC and public health authorities have acknowledged community spread of COVID-19 in the United States and have issued precautions to slow the spread, such as significant restrictions on public gatherings. In addition, numerous state and local authorities have issued closure orders for businesses, entertainment and sport venues, and schools in order to avoid bringing people together in close quarters due to the risk of contagion. These facts manifestly support a finding that a significant risk of substantial harm would be posed by having someone with COVID-19, or symptoms of it, present in the workplace at the current time. At such time as the CDC and state/local public health authorities revise their assessment of the spread and severity of COVID-19, that could affect whether a direct threat still exists.**

<https://www.eeoc.gov/laws/guidance/pandemic-preparedness-workplace-and-americans-disabilities-act>  
March 21, 2020

The ADA and Rehabilitation Act, continue to apply during the time of the COVID-19 pandemic, but they do not interfere with or prevent employers from following the [guidelines and suggestions made by the CDC or state/local public health authorities](#) about steps employers should take regarding COVID-19.

### **SDRC Registration Process**

1. Students must initiate the registration process
  - a. Complete the AIM application <https://shasta.accessiblelearning.com/s-SC/ApplicationStudent.aspx>
  - b. Submit sufficient and acceptable documentation for health or mental health disability (as outlined in the SDRC documentation guidelines)
2. Review Process
  - a. Student Files are reviewed on a first-come-first-serve basis
    - i. Student Files are reviewed as quickly as possible, but this is impacted by busy peak points throughout the semester can be 3-4 weeks at the beginning of the semester
  - b. Student Files are assigned to a coordinator for review once the student has submitted an application AND documentation
  - c. Coordinator will review file
    - i. A coordinator is unable to review a file if a student does not have an application or has not submitted documentation
      1. Student is notified via email to submit the missing information (either documentation or application)
    - ii. If documentation is insufficient, student will receive an email to send in more documentation
      1. Review process stops until sufficient documentation is received
  - d. Coordinator will complete a *Face Covering Accommodation Review* form for all students requesting a face covering accommodation (see below)

- e. Face covering determinations will be reviewed by at least 2 coordinators
  - f. Review process complete – student is notified, via email, to schedule an orientation meeting with their Coordinator to finalize registration
3. Finalize Registration
- a. Once notified, the student must contact the SDRC to schedule an orientation appointment
    - i. If student does not meet with their Coordinator, they are not registered and will not receive accommodations
  - b. During orientation appointment
    - i. Coordinator gathers history of student and diagnosis (i.e. how long have they been diagnosed, how are they impacted, treatment plan, connection to resources, etc.)
    - ii. Coordinator and student discuss how the disability will impact the student in academic settings, student life activities, residence hall, internships and other campus sponsored programs
    - iii. Coordinator and student review supported accommodations and make adjustments as appropriate to these during the appointment
    - iv. Coordinator will explain each accommodation and how student notifies the office through AIM of their desire to use accommodations in each class or setting moving forward
    - v. Student will complete SDRC e-forms
    - vi. Coordinator will show student how to use AIM system to include how to send faculty notification letter. Students will be required to wear the face covering until the registration process is complete and the FNL has been sent to each faculty.
    - vii. Student will receive an orientation folder (either paper or electronic) with information, resources, and a copy of their accommodations letter
4. **Acceptable Accommodations**
- a. Student may choose to wear an alternative face covering such as a face shield, bandana, or other pre-approved covering. The SDRC has face shields available for students who have a condition that makes wearing a cloth face covering difficult
  - b. Students may leave the classroom to remove the face covering for brief periods of time if appropriately distanced from others. Student would need to wear the approved face covering in hallways, during class change and in places where 6 feet distancing is possible
  - c. If the student cannot manage an acceptable form of face covering, the student will need to change to an online class until such time as the student can manage to wear the face covering for the duration of the class.
  - d. Students may utilize early registration during the registration time period in spring and fall semester in order to select classes that are offered in larger rooms where appropriate distancing is acceptable or at times where the class size is smaller, depending on student needs.
  - e. SDRC staff will work with incoming students and their academic advisor during the summer to help identify courses that may best meet their needs. Students are encouraged to register with the office as soon as possible as the SDRC is not able to approve an override into a class that is full or that the student is not otherwise qualified to register in, such as a class for majors only if the student is not in that major.

## Documentation Guidelines for Face Covering Accommodations

### **Information about Student's Disability:**

1. What is the student's disability?
2. How does it manifest and impact them in major life activities?
3. Does the student require on going treatment? If yes, what is the treatment plan?
4. Questions for treating physician or counselor:
  - f. Patient History: When did you first meet with the student regarding this diagnosis? When did you last meet with the student regarding this diagnosis?
  - g. What is the specific reason a student cannot wear a face covering, just "autism" is not sufficient evidence?
  - h. What has the student done while at home this summer? What other alternatives have been explored?
  - i. Recommendations

### **Information about negative impact of proposed Face Covering Requirement:**

1. What specific symptoms will be reduced by not wearing a face covering and how will those symptoms be mitigated by not wearing a face covering?
2. Are there other options the student can wear to help mitigate symptoms (I.e. face shield)?

### **Importance of not wearing Face Covering:**

1. Describe the specific health/symptom mitigation benefits for the student's well-being if they were granted a waiver from the face covering requirement?
2. What consequences, in terms of disability symptomology, may result if the accommodation is **not** approved?
3. Contact information of treating provider (Draft Document)

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Physician Contact Information:

Practice: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax and Email: \_\_\_\_\_

Professional Signature: \_\_\_\_\_

Type of License: \_\_\_\_\_ License #: \_\_\_\_\_

Date: \_\_\_\_\_

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