

Approved by the Governing Council 11-03-2202

## REGULATIONS FOR THE SUPPORT OF PERSONS WITH DISABILITIES AND SPECIAL SUPPORT NEEDS AT THE UNIVERSITY OF LEÓN

### Explanatory statements

It is probable that every one of us will experience some form of disability whether permanent or temporary at some point of our lives, due to any number of circumstances, for example, as a result of illness, accident, or as we age.

Persons with a disability often find they face obstacles in the exercise of their fundamental rights in basic areas such as accessing education, being able to move freely from one place to another, living independently, or finding employment. In many cases, the difficulties faced by persons with a disability are not caused by disability itself but rather due to factors in the environment in which they find themselves. Thus, there is a need to construct a more inclusive university model in which the concept of “universal design” is at the heart of everything, to the benefit of not only disabled people but the university community as a whole.

Articles 9, 10, 14, and 49 of the Spanish Constitution, form the political foundations for the protection of personal dignity, the individual’s inherent rights, and their ability to pursue personal development. These articles lay out the duties of the state and public institutions, in their relevant spheres, to promote equal freedom for all people to participate in political, economic, cultural, and social life with attention to and providing appropriate protections for every sector of society.

The United Nations Convention of 13<sup>th</sup> December 2006 concerning the rights of persons with a disability (ratified by Spain in 2008) underlines the equal value of all human life and recognises that disability is a factor that can amplify other disadvantages such as age, socioeconomic status, and gender. In article 24, specifically, referring to education it establishes that:

*“States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:*

- a) The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;*
- b) The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;*
- c) Enabling persons with disabilities to participate effectively in a free society.*

To comply with the constitutional mandate and its international obligations, Spain has passed various

laws containing specific expectations with regards to university education. Among these, at state level, are: Organic Law (LO) 6/2001 of 21<sup>st</sup> December concerning Universities, particularly in the draft included in Organic Law 4/2007 of 12<sup>th</sup> April; the Royal Decree 1791/2010 of 30<sup>th</sup> December, approving the University Student Statute; and the Legislative Royal Decree (RDL) 1/2013, of 29<sup>th</sup> November, approving the Revised Text of the General Act concerning Rights for persons with a disability and their social inclusion. At the devolved level, there is Law 2/2013 of 15<sup>th</sup> May concerning the Equality of persons with a disability in Castilla y León, which requires that all the courses offered by the university are guaranteed to be designed “for all people” establishing clear conditions of accessibility and promoting various changes in university teaching such as the use of different media, devices, and specific teaching aids with all reasonable adjustments being made as necessary (Additional Provision. 24<sup>th</sup> LO 6/2001, arts. 20 and the 2<sup>nd</sup> Final Provision of RDL 1/2013; arts. 6 and 9 Law 2/2013).

The Statutes of the University of León (henceforward ULE), approved by Agreement 243/2003 of 23<sup>rd</sup> October by the Castilla y León Regional Council, highlights the right of members of the university community to “specific protection for persons with a disability” (articles 163c and 190f), and among other measures, the ULE has also set up the Support Service for Students with a Disability, as the result of a collaboration agreement with the Social Welfare department of the Castilla y León regional council.

Moreover, taking into account the experiences of other Spanish universities, and the recommendations of the Rectors’ Conference and the Spanish Committee Representing Persons with a Disability, and with the aim of strengthening the respect for, guarantee, and promotion of the exercise of all their rights by persons with a disability of special support needs, the University Community’s Ombudsman has agreed this present set of regulations with representatives from the student body, the Administrative and Support Personnel (ASP) and the Teaching and Research Staff (TRS) and has put it forward for approval by the Governing Council of the ULE.

## **CHAPTER I**

### **PERSONS WITH A DISABILITY OR SPECIAL SUPPORT NEEDS AT THE UNIVERSITY OF LEÓN**

#### *Article 1. Objectives.*

1. The objective of the present regulations is to administer the support given to students, ASP, and TRS with disabilities or special support needs (SSN) such that they have equality in their experience of university life.
2. This set of regulations addressing various situations that might arise in the spheres of academic, employment, or daily life for persons with disabilities or SSN will be implemented through successive Action Plans put together by the ULE Equality Unit.
3. If the local, devolved, or state laws applicable in this area define higher standards than those laid out in this set of regulations, these regulations will automatically be superseded and substituted in every particular by said local, devolved, or state laws.

*Article 2. Scope.*

1.-These regulations are applicable to all those persons comprising the ULE's university community: TRS, ASP, students, as well as those who are in the process of applying to study at the ULE through existing legal selection processes and those who are accepted through mobility programmes or other international programmes.

2.-Any students enrolled for courses provided by the ULE shall be considered as having a disability or SSN if they voluntarily gain the appropriate administrative accreditation as per current legislation, as will those students whose needs may constitute an obstacle to their academic activities upon confirmation of their status by the Support Service for Persons with a Disability or Special Support Needs.

3.-The disability status of TRS and ASP, will be accredited in accordance with current legislation, that is, in compliance with provisions set out in sections 2 and 3 of the Royal Legislative Decree 1/2013, of 29<sup>th</sup> of November, which approves the Revised Text of the General Act concerning Rights for persons with a disability and their social inclusion.

*Article 3. Rights of those persons to whom this regulation applies.*

1. Within the constraints of the ULE's budgetary resources, they are guaranteed the following rights:

a) Equality of opportunities, to which end we shall eliminate all forms of discrimination that might arise from any circumstances affecting persons with a disability and establish measures for positive action to ensure their full participation in the university community.

b) To receive information, training, and advice concerning measures, resources, services, and procedures in place at the ULE that may concern them.

c) An evaluation of their specific needs arising from their particular condition and, following from this, the implementation of any reasonable adjustments that are deemed necessary.

d) Universal access to all the university's buildings, spaces, installations, and associated premises, including virtual spaces.

e) To be guaranteed confidentiality with respect to information and documentation managed by the ULE.

f) The quota set out in law for all official degrees to be reserved for persons with a 33% disability or students with permanent SSN associated with personal circumstances of disability.

g) To all other rights recognised in current legislation and which are applicable in this environment.

2. The ULE will encourage research and development in the area of products, services, and technologies that are accessible and useful to persons with a disability and will promote their professionalization. The ULE also undertakes to ensure that any public and private entities with which it is involved respect the rights of persons with a disability.

*Article 4. Reasonable adjustments.*

1. The term "reasonable adjustments" refers to any modifications or adaptations to the physical,

social, or attitudinal environment that are necessary and appropriate in a particular case, to facilitate access and guarantee rights on an equal basis, so long as such measures do not constitute a disproportionate or undue burden.

2. In the specific case of the university teaching environment these adjustments refer to:

- a) Adaptations to facilitate access to the university during the student's course of studies.
- b) Modifications to teaching and evaluation timescales, means, and methodologies as a function of the students officially recognised needs.
- c) Exemption from fees and public tariffs in accordance with current legislation.

3. In the case of the TRS and the ASP, these groups will have the right to expect the adoption of whatever positive action is necessary for the promotion of policies that enable persons with disability to be employed and carry out their everyday tasks on an equal basis with their colleagues. This includes the implementation of measures to adapt work roles and the working environment as a function of an individual's recognised disabilities.

4. With respect to the TRS, adjustments may include financial measures to enable an individual to develop their teaching or research role; to support and assist their teaching or research; the reduction of or increased flexibility in their teaching burden, their research or management duties, or in other similar areas.

*Article 5. Coresponsibility.*

All persons included within the scope of these regulations are required to comply with all the duties that affect them, in particular, the reasonable use of resources offered to them and cooperation in the implementation of any reasonable adjustments adopted on their behalf.

## CHAPTER II.

### SUPPORT FOR PERSONS WITH A DISABILITY OR SSN AT THE UNIVERSITY OF LEÓN

*Article 6. Support Service for Persons with a Disability or Special Support Needs at the ULE.*

1.- Within the ULE's Equality Unit, the *Support Service for Persons with a Disability or Special Support Needs* constitutes the university's main resource for the provision of access, information, training, and assistance to those persons for whom these regulations are intended.

2.- This service has the following functions:

- a) To inform, train, and advise those using this service with regards to their rights, duties, and resources that might be available to them.
- b) To process applications made by persons in the university community in accordance with general provisions.

c) To evaluate the academic needs of students who request this service, as well as advising them and providing relevant information regarding necessary adaptations, collaborating as appropriate with the access commission for the relevant course of studies.

d) To manage the acquisition of support products and adapted equipment, and in collaboration with the ULE's various Faculties and Schools, facilitate the loaning of these resources across the university.

e) To provide information about the resources and assistance available from other relevant organisations, bodies, and public administrations that might be of benefit to service users.

f) To offer relevant technical advice to staff responsible for teaching activities affected by specific adaptation requirements.

g) To promote and collaborate in the organisation of awareness raising and training activities relating to disability and SSN, directed at the university community.

h) To foster collaboration with relevant public and private entities and promote the formation of partnership agreements where appropriate.

i) To oversee the correct implementation of these regulations, keeping centres informed as to their execution and the outcomes of the reasonable adjustments that have been implemented.

j) To promote awareness of the intersection of social and employment considerations within these regulations.

k) To promote volunteering as a way to support persons with a disability or SSN, particularly among the student body, giving recognition by way of credits, in accordance with current legislation, to those who collaborate formally with this type of programme.

l) To collaborate in the monitoring and evaluation of access problems and in the processing of applications and suggestions that might enable the efficient elimination of barriers.

### **CHAPTER III. ACTION PLAN.**

#### *Article 7. Students.*

1.- All applications will be processed through the ULE's Support Service, which must also be informed in a timely fashion of any unforeseen circumstances.

2.- Newly enrolled students must attach a report, or authorise the Support Service to request such, concerning the adaptations that have been necessary for the student to complete their previous studies.

3.- Applications should include the relevant informed consent its link to the appropriate conditions of service provision (see Annexe I)

4.- The Support Service will evaluate the extent of reasonable adjustments required according to the justifying documentation presented with applications within thirty days following the deadline for enrolment.

5.- The Support Service will provide all interested parties with a report detailing proposed adaptations.

6.- Every centre must appoint a person whose duty it will be, in cooperation with the Equality Unit and the Support Service, to carry out the following:

- Provide advice concerning qualifications, pathways, aspects of training, teaching departments, subjects, and teachers.
- Enable every student to exercise their rights through liaison with departments and teaching staff and inform appropriate agencies of any incidents.
- To provide a tailored follow up programme for every student.
- To meet with representatives of other centres and organisations involved in external training provision, sharing experiences, and suggesting ways of working.

*Article 8. Teaching and Research Staff and Administrative and Support Staff*

1.- The University will encourage reasonable adjustments to be made where necessary to facilitate any member of the Teaching and Research Staff (TRS) or Administrative and Support Personnel (ASP) in their employment duties. The Vice-rectorate responsible for teaching and the University Directorship will, respectively, have oversight over the relevant procedures in each case.

2.- Within budgetary constraints, financial assistance shall be offered to facilitate persons with a disability such that they can function in their positions of employment on an equal basis with their colleagues. In particular, there will be a funding stream directed at compensating members of the TRS or ASP with a degree of disability above 33% for costs incurred due to their disability in the course of carrying out their duties. More specifically:

- a) The acquisition of support resources will be facilitated through the Equality Unit. These resources will be procured and as far as possible they shall be reused.
- b) The cost of hiring support staff will be covered where a staff member's disability involves significantly reduced mobility, or where they have particular difficulties in performing their duties.

3.- The Equality Unit will maintain an up-to-date inventory of support resources that have been acquired, with the aim of keeping these in good working order, up to date, and to facilitate their reuse. To be eligible for assistance, a favourable report from the ULE Equality Commission will be required.

At the start of the academic year, interested persons should inform the Equality Unit of whether they need to use existing resources or require new ones to be sourced.

4.- Where there is a proven need for members of the TRS to attend regularly scheduled appointments for the purposes of orientation, rehabilitation, medical or psychological therapy, or to receive social welfare assistance related to their disability, their department must assign their teaching duties or timetable to accommodate this.

5. TRS and ASP with disabilities may request a reduction in their teaching burden, research, or employment duties. The ULE's Equality Commission will consider an appropriate reduction or increased flexibility in workload on an individual basis depending on the degree and nature of the disability.

6. Where TRS or ASP are the main carer of a person with a disability, reductions to or increased flexibility in workload will be considered if there is a proven need to accompany them to medical appointments, training or rehabilitation sessions, speech or psychological therapy due to their disability, as well as to attend meetings at educational establishments or social centres where the person they care for receives either training or care.

#### CHAPTER IV. POSITIVE ACTION.

##### *Article 9. Measures to be implemented by the Equality Unit.*

1.- The Equality Unit must implement the following measures to assist those persons referred to in article 1 of these regulations:

- a) To design a personalised action plan for every student who voluntarily requests it.
- b) To make administrative processes accessible to all recognising the diversity of their needs.
- c) To improve accessibility in collaboration, as appropriate, with administrations and other organisations including taking actions such as improving the provision of parking, providing transport to facilitate travel between campuses, improving signage, removing obstacles to mobility, ensuring that services are located accessibly, and in brief, any other actions deemed reasonable.
- d) To incentivise awareness raising and research into the subjects that are the focus of this regulation through a programme of awards, scholarships, and grants.
- e) To take census data in order to identify different disability and SSN profiles so enabling adequate advance planning of support services. In the case of the student body, these data might be obtained by means of self-disclosure on enrolment.
- f) To advise and guide the university community. In particular, by providing training courses about disability and SSN.

##### *Article 10. Awareness concerning multiple disadvantages.*

Where a person with a disability also belongs to another especially vulnerable group from the perspective of equality, the ULE Equality Commission will initiate complementary positive actions to alleviate and prevent multiple disadvantages.

##### *Article 11. Employment quotas.*

1.- In line with current legislation a specified percentage of TRS appointments will be reserved for persons with a disability. This applies both to government positions (Oferta de Empleo Público) offered on an annual basis, as well as to those offered under the ULE's own employment schedule (Planes Propios). If the appointment processes across the various departments and research areas do not attract sufficient applications from persons with a disability, then the process will be opened up to other applicants.

2.- In line with current legislation, a specified percentage of ASP appointments, both to government positions (Oferta de Empleo Público) offered on an annual basis, as well as to those offered under the ULE's own employment schedule (Planes Propios), wherever the number of positions offered in a particular area allows this.

3.- The previous sections must be understood to refer to new appointments, internal promotion, administrative or general service personnel with indefinite or fixed-term contracts, and temporary staff independent of the nature of the administrative or employment relationship.

4.- Application processes will be based on the legislation regulating selection processes supplemented by the provisions contained in the Royal Decree 2271/2004, of 3<sup>rd</sup> December regulating access to public employment and accessibility to employment for persons with a disability.

5.- All the information and material relevant to the employment application procedure and associated processes must be made accessible to persons with a disability.

***First Additional Provision. Support Service for Persons with a Disability or Special Support Needs.***

On approval of these regulations, the Support Service for Students with a Disability will be integrated into the Support Services for Persons with a Disability or Special Support Needs. This will guarantee the rights of staff and students at the ULE and the ongoing collaboration between the ULE and the Castilla y León Social Welfare Department.



***Second Additional Provision. Data Protection.***

The Equality Unit will adopt appropriate measures to guarantee the use of personal data only for the recommended purposes and functions of public law as outlined in current legislation.

***Third Additional Provision. Gender.***

All persons affected by these regulations will be referred to using gender appropriate terms.

***Final Provision.***

On approval by the Governing Council of the University of León, these regulations will come into force on the day following their publication in the Official Bulletin of Castilla y León.

**ANNEXE I. USER SUBSCRIPTION DOCUMENTS.**

**1.-DECLARATION FOR A USER PROVIDED WITH A SUPPORT ASSISTANT FOR THEIR  
UNIVERSITY STUDIES**

Name and Family name:

DNI:

Course of studies:

Year of study:

Centre:

By signing this document, the user declares that they promise:

1. To attend classes and, in the case of absence, to inform the Support Service for Persons with a Disability or Special Support Needs, and their learning support assistant with sufficient advance notice and giving proper justification. In this respect, an absence is considered justified only where it is the consequence of illness or other circumstances objectively assessed to be beyond the user's control.

2. To inform the Support Service and their learning support assistant, with as much advance notice as possible, of any modifications to their established timetable.

3. To ensure that their teachers and other responsible members of staff at their centre of studies are aware of their circumstances and are informed as to the resources they should use and participate in whatever meetings the Support Service deems necessary.

4. To participate in any training courses deemed necessary in order to become competent in the use of specific resources.

In the case of non-compliance with the commitments above, the user will lose the right to avail themselves of this support.

On \_\_, date

Signed

**2. DECLARATION FOR A USER IN RECEIPT OF SUPPORT MANAGED BY THE ULE.**

Name and Family name:

DNI:

Course of studies:

Year of study:

Centre:

The user declares that the Support Service for Persons with a Disability or Special Support Needs has supplied them with the following resource:

- Product:

- Inventory number:

On \_\_, date

Signed

### **3. DECLARATION FOR A USER PROVIDED WITH A SUPPORT PRODUCT TO ASSIST THEM IN THEIR UNIVERSITY STUDIES**

Name and Family name:

DNI:

Course of studies:

Year of study:

Centre:

By signing this document, the student promises:

1. To ensure the integrity and good maintenance of the support product and return it in good condition at the end of their course of studies or at such time as they no longer need it; and that in addition, the resource shall not be used by any party other than the named user.

2. To ensure that their teachers and other responsible members of staff at their centre of studies are aware of their circumstances and are informed about this product such that it can be used as necessary.

3. To adopt appropriate measures to reimburse the cost of the support product or to repair it in the case that said resource is lost or is damaged due to misuse.

4. To return the support product to the Support Service for Persons with a Disability or Special Support Needs so that it might be repaired in the case of a malfunction not due to misuse.

In the case of non-compliance with the commitments above, the user will lose the right to avail themselves of this support.

On \_\_, date

Signed