Policy for Reasonable Accommodations - UTDBP3100

Section I. General Policy Guidelines

The University of Texas at Dallas ("University" or "UT Dallas") is committed to providing an educational, living, and working environment that is welcoming, respectful and inclusive of all members of the University community.

As part of this effort, UT Dallas is committed to providing students, faculty, staff, and visitors with equal access and opportunity to all university programs, activities, and facilities. The University strives to promote an environment that is free from both physical and technological barriers and barriers of attitude.

In accordance with federal and state laws, including but not limited to the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA), as amended by the ADA Amendments Act of 2008 (ADAAA), the University prohibits discrimination based on disability in the application process, employment relationship, programs, services, and activities. The purpose of this policy also is to provide reasonable accommodations to qualified persons with disabilities unless doing so imposes an undue hardship or fundamentally alters the nature of the service, program, or activity.

It is also the policy of UT Dallas to make reasonable workplace accommodations for employees with sincerely held religious beliefs under Title VII of the Civil Rights Act of 1964, and for employees under section 7(r) of the Fair Labor Standards Act and the Pregnancy Discrimination Act of 1978 if neither constitute an undue hardship to the University.

Scope

This policy applies to all students, faculty, staff, visitors, and applicants for admission to or employment with the University.

Definitions

Disability: The term "disability" means, with respect to an individual:

- a physical or mental impairment that substantially limits one or more major life activities of such individual;
- a record of such an impairment, or
- being regarded as having such an impairment.

The impairment may be permanent, chronic, or progressive. A condition that is temporary, episodic, or in remission may also be considered a disability if the condition is substantially limiting when active.

Major Life Activities: For the purposes of paragraph (1) above:

- IN GENERAL – 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, and working.

- **MAJOR BODILY FUNCTIONS** – a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

**Substantially Limits:** An impairment is substantially limiting if a person is unable to perform an activity as compared to an average person in the general population. An impairment need not prevent or severely or significantly limit a major life activity to be considered "substantially limiting."

**Qualified Individual with a Disability:** an individual with a disability who possesses the requisite skills, education, experience, and training for a position, and who can perform, with or without accommodation, the essential functions of the position the individual desires or holds. Or a student with a disability who has been admitted to the University and requires assistance to achieve equal access to all university programs, services, and activities.

**Reasonable Accommodation:** a modification, adjustment, or elimination of a barrier to a program or service that enables an individual with a disability to participate on an equal basis and enjoy the same benefits and privileges as similarly situated individuals without disabilities. Employers are required to provide reasonable accommodations to qualified employees with disabilities, unless doing so would pose an undue hardship. In addition, public entities and those receiving federal financial assistance are required to make reasonable modifications in policies, practices, and procedures that deny equal access to individuals with disabilities, unless making the modifications would fundamentally alter the nature of the service, program, or activity. Examples might include making facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, acquisition or modifications of equipment or devices, appropriate adjustment or modifications of examinations, training materials, the provision of qualified readers or interpreters, or event access.

**Undue Hardship:** undue hardship shall conform to definitions provided by federal and State statutes. In determining whether an accommodation would impose an undue hardship, factors to be considered include the nature and cost of the accommodation, financial consideration and resources, the impact of the accommodation on the nature and operation of the department, and how the request would affect the health and safety of other employees or students.

**Section II. General Procedures**

**Reasonable Accommodation Process for Employees**

**Disability**

Employees in need of an accommodation based on a disability will need to make the request
verbally or in writing. This request may be made directly through the Office of Human Resources ("HR") at employeerelations@utdallas.edu or the employee's immediate supervisor.

Supervisors who receive a request for accommodation or are informed by an employee that a physical or mental condition may be affecting their work performance must immediately notify HR.

Upon receipt or referral of an accommodation request, HR will begin the interactive accommodation process. The process will involve discussion with the employee and require supportive information from their health care provider. For a current employee, the process may further require, in appropriate cases, HR to verify the disability for the requested accommodation and contact the supervisor to determine or verify the employee's essential job functions.

When necessary, the Chief Human Resources Officer, with the support of the ADA Coordinator, has the authority to obtain, at university expense, an independent medical opinion concerning the impairment for which an employee seeks an accommodation. The failure of the employee to cooperate in obtaining such an opinion will result in the cancellation of the request for accommodation.

After determining the employee has a qualifying disability, HR will engage in and facilitate discussions with the employee and their supervisor concerning an accommodation.

An employee may initially consult with HR staff without first informing their supervisor. The supervisor will be brought into the discussion because they are an important part of the interactive process. Their involvement is essential in the discussion regarding recommended accommodations before a final decision is made regarding the accommodation. Because privacy of medical information is required, HR will not share medical diagnoses and/or disability documentation with the supervisor. Instead, HR will focus on the interactive process and on how, or if, the limitations of the condition can be accommodated to allow the employee to perform the essential functions of the job. Upon finalization of this process, the employee requesting the accommodation will receive documentation outlining the details of the accommodation.

**Pregnancy**

Employees requiring pregnancy-related accommodations should contact Employee Relations at employeerelations@utdallas.edu to begin the interactive process to assess accommodations. Accommodation determinations are made on a case-by-case basis and may remain in effect through the length of the employee's pregnancy. Individuals requiring Family and Medical Leave due to their pregnancy should contact the Leave Administration Manager at loa@utdallas.edu.

**Religion**

Employees who wish to observe a religious holiday or holy day on a day when the University is scheduled to be open should schedule their absence with their supervisor as soon as practical. Employees aware of the need for an accommodation based on a conflict between the individual's religious belief or practice and their work duties will need to make the request verbally or in writing. Employees should contact Employee Relations at employeerelations@utdallas.edu to
Reasonable Accommodation Process for Students

Disability
The Office of Student AccessAbility ("OSA") provides support services, accommodations, and equipment for students with disabilities. OSA works to ensure equal access to all university programs, services, and activities for students with disabilities. OSA determines eligibility for services, determines reasonable accommodations, and develops plans for the implementation of accommodations for students with disabilities.

OSA outlines the details of the accommodation determination process for students, including information about required medical documentation. Students should visit the OSA website at https://studentaccess.utdallas.edu/students/ to initiate a request for disability-related accommodations.

Once all required documentation is received, OSA will engage in an interactive process with each student and review requests for accommodations on an individualized, case-by-case basis. OSA may consider reasonable alternatives to accommodation requests, though significance is given to a student's preference.

OSA may assist students in the informal resolution of complaints regarding accommodation. Students who are having difficulties with their services providers or instructors or who want to address other accommodation-related issues should contact OSA at 972-883-2098 or studentaccess@utdallas.edu.

Pregnancy
Students who are pregnant or have pregnancy-related conditions should contact the Title IX Coordinator at 972-883-5202 or titleixcoordinator@utdallas.edu to initiate a request for pregnancy-related accommodations. The Title IX Coordinator, or their designee (which may be a representative from the Dean of Students Office), will discuss the request with the student, including any medical documentation the student may need to submit, then engage in an interactive process with the student and the instructor(s) regarding the implementation of approved accommodations.

Religion
Students should refer to their syllabi or applicable undergraduate or graduate catalog for information about how to request an accommodation for observance of religious holy day.

Reasonable Accommodation Process for Visitors and Job Applicants

Disability
The ADA Coordinator assists in obtaining reasonable accommodations to provide equal access
relative to visits to the University. Visit the ADA Coordinator website at https://institutional-initiatives.utdallas.edu/equity/ada/ for more information. Requests for accommodations may come directly from the visitor or job applicant or from the department hosting the event or interview. When it is determined that a job applicant or visitor has a disability that meets the criteria for a reasonable accommodation, the ADA Coordinator, in the Office of Institutional Compliance, Equity and Title IX Initiatives, will work with the individual to discuss an appropriate and reasonable accommodation and facilitate its implementation with the hosting department/organization.

Confidentiality

Any records containing medical information, or information obtained by the ADA Coordinator, Office of Human Resources staff, or Office of Student AccessAbility as part of the accommodation process will be kept in a separate file. Such records will be shared only with those University employees who have a need to know to implement the accommodation process and will not be released except as required by law.

Complaint Procedures

Any applicant, employee, or student who believes they have been denied a reasonable accommodation, was discriminated against based on disability, or was retaliated against due to an accommodation request may submit a complaint or seek the guidance of the ADA Coordinator, in the Office of Institutional Compliance, Equity and Title IX Initiatives. Employees, job applicants, and students may also file complaints regarding religion or pregnancy accommodation requests. The Nondiscrimination policy link, including the complaint process, follows: http://policy.utdallas.edu/utdbp3090

Sources: Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008; Section 504 of the Rehabilitation Act of 1973; Fair Housing Act; Title VII of the Civil Rights Act of 1964, as amended; Pregnancy Discrimination Act of 1978; Section 7(r) of the Fair Labor Standards Act; Title IX of the Education Amendments of 1972; Texas Labor Code, Chapter 21; Texas Education Code Section 51.911.

Section III. Resources and Links

Office of Human Resources – Contact for and information about accommodations for employees
Office of Student AccessAbility – Contact for and information about accommodations for students
ADA Coordinator Website – Contact for and information about accommodations for visitors
UTD Accessibility Resources – Contacts for and information about campus accessibility resources
Job Accommodation Network ("JAN") – External resource about job accommodations and disability employment issues

Policy History

• Issued: 2015-03-18