UTDBP3100 - Policy for Reasonable Accommodations for Person with Disabilities

Policy Statement

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 free from both physical barriers and barriers of attitude.

In accordance with federal and state laws, including but not limited to the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA) and 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 creates an undue hardship.

Scope

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

Definitions

Disability:
With respect to an individual:

1. a physical or mental impairment that substantially limits one or more major life activities of such individual;
2. a record of such an impairment, or
3. 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 under the ADAAA if the condition is substantially limiting when active.

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.

Substantial Limitation (substantially limiting): an impairment that prevents the performance of a major life activity that the average person in the general population can perform; or a significant restriction as to the condition, manner, or duration under which an individual can perform a particular major life activity, as compared to the average person in the general population.

Reasonable Accommodation: a modification or adjustment to the job application process, work environment or learning environment enabling a qualified individual with a disability to be eligible for a position, perform the essential functions of a position, or enjoy the same benefits and privileges of employment as are enjoyed by similarly situated employees without disabilities. The University provides reasonable accommodations to qualified individuals with a
disability in order for him or her to enjoy equal benefits and privileges of work and to enable performance of the essential functions specified in the job description. A reasonable accommodation may 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 other similar accommodations.

**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**

The following contacts provide assistance with access and accommodation at the University:

1. For Students: the Office of Student Accessibility (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. The OSA may also assist students in the informal resolution of complaints regarding accommodation.

2. For Employees, the Office of Human Resources:
   1. Employees in need of an accommodation based on a disability will need to place the request verbally or in writing. This request may go through the Office of Human Resources or the employee's immediate supervisor.
   2. Supervisors who receive a request for accommodation must immediately notify the Office of Human Resources so that official processing of the accommodation request may begin. Any supervisor who is informed, in the course of job performance counseling, by an employee that a physical or mental condition may be affecting the employee's work performance must refer the employee to the Office of Human Resources, and notify the Office of Human Resources of such referral.
   3. Upon receipt or referral of an accommodation request from an employee, the Office of Human Resources must begin the interactive accommodation process. The process will involve discussion with the applicant or employee and require supportive information from his or her health care provider. For a current employee, the process may further require, in appropriate cases, the Office of Human Resources to verify the disability for the requested accommodation and contacting the supervisor to determine or verify the employee's essential job functions.
   4. After determining the employee has a qualifying disability under the law, the Office of Human Resources will engage in and facilitate discussions with the employee and his or her supervisor concerning an accommodation.
   5. Although the employee may initially consult with Office of Human Resources staff without first informing their supervisor, supervisors are an important part of the interactive process and will be brought into the discussion about recommended accommodations before a final decision is made regarding the accommodation. Since privacy of medical information is required, the Office of Human Resources will not share medical diagnoses and/or disability documentation with the supervisor. Instead, the Office of Human Resources will focus on the interactive process and on how the limitations of the condition can be accommodated to allow the employee to perform the essential functions of the job.

3. For Visitors and Job Applicants, the ADA Coordinator, assists in obtaining reasonable accommodations to provide equal access relative to their visit to the University. Visit the ADA website at utdallas.edu/ADA/ for
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 in order to implement the accommodation process and will not be released except as required by law.

Reasonable Accommodation Determination

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 Equity and Compliance, will work with the individual to discuss an appropriate and reasonable accommodation.

When it is determined that an employee has a disability, the Office of Human Resources staff will engage in an interactive process as described above (Reasonable Accommodation Process) to enable the employee to perform the essential functions of the job and enjoy the same benefits and privileges as similarly situated employees without disabilities.

• The Associate Vice President of Human Resources, at the recommendation 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.

Upon finalization of this process, the employee requesting the accommodation will receive documentation outlining the details of the accommodation.

The Office of Student AccessAbility outlines the details of the accommodation determination process for students.

Complaint Procedures

Any applicant or employee who believes he or she has been denied a reasonable accommodation, was discriminated against based on disability, or was retaliated against due to an accommodation request is encouraged to submit a complaint or seek the guidance of the ADA Coordinator, in the Office of Institutional Equity and Compliance. The Nondiscrimination policy link, including the complaint process, follows: http://policy.utdallas.edu/utdbp3090.

Students who are having difficulties with their services providers or faculty, or who want to address issues should contact the Office of Accessibility (OSA) http://www.utdallas.edu/studentaccess/grievance/.

Section III. Forms, Tools and Links

• Visitor and Job Applicant accommodation request forms
• Office of Student AccessAbility
• ADA Website
• EEOC - The Americans with Disabilities Act Amendments Act of 2008

Section IV. Frequently Asked Questions

FAQ's regarding the Accommodation process are available on the ADA Website.