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4.107 Reasonable Accommodation Policy

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Type of Policy <input checked="" type="checkbox"/> University <input type="checkbox"/> Campus <input type="checkbox"/> Department/Unit <input type="checkbox"/> Interim		Reasonable Accommodation Policy Policy 4.107	
Human Resource Policies		Effective date: September 6, 2011	
Policy History:	Approved by:	Resolution #	Date:
	Chancellor	N/A	September 6, 2011
Revision	Office of University Counsel	N/A	May 12, 2017
Responsible Office:	Responsible Administrator:	Contact information:	Applies to:
Office of University Human Resources	Director of University Human Resources	937-769-1375	All Employees

I. Introduction and Purpose

In compliance with the Americans with Disabilities Act of 1990, as amended, (“ADA”) and similar state laws no qualified individual with a disability shall be discriminated against or excluded from consideration for employment or participation in or the benefits of the services, programs or activities of Antioch University (“AU” or the “University”). It is the policy of AU to provide reasonable accommodations upon request for qualified individuals with a disability who are employees or applicants for employment. This policy establishes a compliance procedure to implement and enforce the provisions of the ADA and state laws protecting disabled individuals.

II. Definitions

A. ADA/504 Coordinator: The EEO Officer acts as the Coordinator for the Americans with Disabilities Act (ADA) and for Section 504 of the Rehabilitation Act. The EEO Officer of each campus and program is designated in the University’s EEO / Affirmative Action Policy. (Policy # 4.005)

B. Disability: Disability means, with respect to an individual: A physical or mental impairment that substantially limits one or more of the major life activities of such an individual;

1. A record of having such an impairment; or
2. Being regarded as having such an impairment. (29 CFR 1630.2(g)).

C. Essential Function: A job function is essential if removal of that function would fundamentally change the job, the position exists to perform that function, the function is highly specialized, or there are a limited number of employees who can perform that function. (29 CFR 1630.2(n)).

D. Major life activities: This includes, but is 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. 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. (29 CFR 1630.2(i)).

E. Physical or mental impairment is (a) a physiological disorder or condition, cosmetic disfigurement, or anatomical loss including but not limited to epilepsy, paralysis, HIV infection, AIDS, or substantial hearing or vision impairment or (b) a mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities. Examples of conditions that would not be disabilities are short-term, non-chronic conditions such as a broken leg, a sprain or the flu. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. (29 CFR 1630.2(h)).

F. Qualified Individual with a Disability: A person who with a disability who satisfies the requisite skills, experience, education, and other job related requirements of the job he/she seeks to hold, and who, with or without a reasonable accommodation, can perform the essential functions of the position.

G. Reasonable Accommodation: A reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. Reasonable accommodation may include but is not limited to: making facilities accessible, adjusting work schedules, restructuring jobs, the reallocation or redistribution of non-essential, marginal job functions, providing assistive devices or equipment, and modifying work sites. A leave of absence may also be considered where necessary, in conjunction with the FMLA policy (Policy # 4.419) and AU's sick leave policy (Policy # 4.415), as well as any collective bargaining agreements. (29 CFR 1630.2(o)).

III. Policy

A. Employee Responsibility

Employees are responsible for initiating requests for any desired disability related workplace accommodation, unless the need for the accommodation is obvious. Where circumstances permit, the employee should notify the employer in writing. An employee should first make a request for a reasonable accommodation to his / her Director of Human Resources ("HR"), or to the Affirmative Action/Equal Employment Opportunity (EEO) Officer. The employee

making the request is required to cooperate throughout the process by attending meetings to discuss the needed accommodation and timely providing medical documentation where necessary. Requests submitted directly by employees to their manager should be forwarded immediately to HR.

B. Applicants

Applicants who may need an accommodation for a disability to participate in the selection process should contact HR or the Affirmative Action/EEO Officer.

C. Interactive Process

The interactive process through which the employee provides any necessary medical documentation and the employer works with the employee to decide upon what accommodation is reasonable will occur between the Equal Opportunity Officer, or his/her designee, and the employee who is seeking the accommodation. Consultation with other offices (such as IT for technological solutions) will be made as necessary within the confidentiality requirements of the regulations. The determination of what constitutes a reasonable accommodation will be made on a case by case basis, utilizing input from the affected employee whenever possible. The EEO Officer is responsible for documenting all reasonable accommodations. A reasonable accommodation is not necessarily the employee's preferred accommodation as long as it is an effective accommodation.

D. Supervisor Responsibility

Supervisors and HR are responsible for notifying the EEO Officer of any employee accommodation or request for accommodation brought to their attention. Note that in certain circumstances it may be appropriate for the employer to initiate the accommodation process. This should only be done in consultation with the EEO Officer.

Once a reasonable accommodation has been identified as noted in section C above, supervisors are responsible for implementing the reasonable accommodation. Supervisors have the responsibility to keep the request confidential except as necessary for the accommodation. Supervisors are also responsible for monitoring the effectiveness of the accommodation, in consultation with the employee.

E. When a Reasonable Accommodation is Not Required

The University is not required to provide a reasonable accommodation if it would impose undue hardship on the employer. Undue hardship refers to any accommodation that would be unduly costly, expensive, substantial or disruptive, or that would fundamentally alter the nature or operation of the business. Employers are not required to provide reasonable accommodations to employees who are only regarded as disabled and are not actually disabled within the meaning of the law. (29 CFR 1630.2(p)).

The University is not required to employ an individual who poses a significant risk of harm to the health or safety of self or others and who cannot perform the job at a safe level even with reasonable accommodation. In determining whether an individual poses a significant risk of harm, the employer must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or the best available objective evidence, to ascertain:

1. The nature, duration, and severity of the risk;
2. The imminence of the risk;
3. The probability that the potential injury will actually occur; and
4. Whether reasonable modification of policies, practices, or procedures will mitigate the risk. (29 CFR 1630.2(r)).

The EEO Officer will consult with the Office of University Counsel before denying a reasonable accommodation.

F. Appeals

Any employee or applicant, who is not satisfied with the outcome of a request for accommodation, may initiate an appeal through the Discrimination Complaint Procedure Policy 4.619.

G. Record Retention

All employee and employment records must be kept for period of two years, as required by the ADA and the Rehabilitation Act. Centralized recordkeeping of requests for and implementation of reasonable accommodations should be kept in a confidential file by HR of the campus or program.

H. Posting

The ADA requires that employers post a notice describing the provisions of the ADA. This posting, as well as this policy, must be made accessible, as needed, to individuals with disabilities

Policy Cross References

Affirmative Action and Equal Employment Opportunity Policy	Policy # 4.005
Personnel Records and Retention Policy	Policy # 4.225
Family and Medical Leave Policy	Policy # 4.419
Leave for Illness or Injury	Policy # 4.415
Discrimination Complaint Procedure Policy	Policy # 4.619