

# University of Scranton

## Reasonable Accommodations for Individuals with Disabilities Policy

Executive Sponsor: Vice President

for Human Resources

Responsible Office: Office of Equity  
and Diversity

Effective Date: November 1, 2019

**Eligibility: This policy applies to employees and applicants for employment. Students should contact the Center for Teaching and Learning if reasonable accommodations are required at <https://www.scranton.edu/academics/ctle/disabilities/index.shtml>.**

### **I. Statement**

The University of Scranton is committed to maintaining an inclusive and accessible environment across its campus. The information contained herein is based on the Americans With Disabilities Act and amendments, the Rehabilitation Act, the Pennsylvania Human Relations Act and University Policy (See Non-Discrimination and Anti-Harassment Policy <https://www.scranton.edu/equity-diversity/docs/nondiscrimination-antiharassment-policy.pdf>).

### **II. Purpose**

The University provides reasonable accommodations or adjustments to qualified individuals with disabilities to ensure they are afforded an equal opportunity to participate and benefit from any University program, activity, event, or service. Accommodations or adjustments are made on an individualized basis, and without causing undue hardship to the University. The University holds employees with disabilities to the same standards of production/performance as similarly situated employees without disabilities for performing essential job functions, with or without reasonable accommodation.

It is the responsibility of the employee or applicant to identify as an individual with a disability when seeking an accommodation. A manager or supervisor, who is aware of a work performance issue that may be related to a known or obvious disability, is to contact OED to initiate discussion with the employee regarding the possible need for accommodation.

*\*Retaliation against an individual for requesting or receiving a reasonable accommodation is prohibited.*

Cabinet Approval: September 3, 2019

President's Approval: September 3, 2019

### **III. Definitions**

#### Disability:

A disability is (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.

#### Discrimination:

As used in this document, discrimination means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodations.

#### Essential Functions:

Essential functions are the job duties that an employee must be able to perform with or without a reasonable accommodation. Some factors considered when determining essential job functions are whether:

1. The function(s) are required to be performed by all persons in the position.
2. The position exists to perform the function.
3. The expertise and skills required to perform the function(s).
4. The time spent performing the function(s).
5. The position is fundamentally altered if the function(s) is eliminated.

#### Interactive Process:

The interactive process is the ongoing process by which the University, through the Office of Equity and Diversity and the employee/applicant engage in a dialogue to determine what, if any, accommodations may be implemented to allow the qualified employee to perform the essential functions of his/her position with the University, and may include obtaining and reviewing documentation from a medical provider.

#### Major Life Activity:

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. 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.

#### OED:

Office of Equity and Diversity.

#### Qualified Individual:

A qualified individual is an individual who, with or without a reasonable accommodation, can perform the essential functions for the position the individual holds at the University, or applies for as an applicant.

### Reasonable Accommodation

Reasonable accommodation means necessary and appropriate change, modification or adjustment that permits a qualified applicant or employee to participate in the job application process, to perform the essential functions of the job, or enjoy benefits and privileges of employment equal to those enjoyed by individuals without disability without imposing a disproportionate or undue burden on the University. Reasonable accommodations are determined on a case-by-case basis.

### Substantially Limits:

An impairment is substantially limiting if an individual is unable to perform a major life activity that the average person in the general population can perform or if it materially restricts the duration, manner, or condition under which an individual can perform a particular major life activity, as compared to average person. Determining if an impairment substantially limits a major life activity shall be made without regard to the temporary nature of the impairment or other mitigating measures, such as medication, medical supplies, equipment, low vision devices (not including eyeglasses or contact lenses), prosthetics, mobility devices, assistive technology, auxiliary aids or services, or learned behavioral modifications.

### Undue Hardship:

Undue hardship means significant difficulty or expense in the provisions of an accommodation that would be unduly costly, extensive, substantially, or would fundamentally alter the nature or operation of the University. The University must assess on a case-by-case basis whether a particular reasonable accommodation would cause undue hardship.

## **IV. Requesting Accommodations:**

\*Students seeking reasonable accommodations should contact the Center for Teaching and Learning (CTLE): <https://www.scranton.edu/academics/ctle/disabilities/index.shtml>

### Applicants:

A job applicant who requires an accommodation during the application process should contact Human Resources. During the interview process, the applicant should inform the individual arranging the interview, Human Resources or OED, of a needed accommodation. Applicants may request a reasonable accommodation either verbally or in writing. Upon receipt of the request, HR or OED will review the request, and if necessary, request additional information from the applicant. HR or OED will either grant, deny or propose an alternative accommodation that meets the applicant's needs if the applicant is a qualified.

### Employees:

Reasonable accommodations for staff and faculty are handled by OED. Employees may request OED not disclose the disability for which an accommodation is requested to their supervisor. OED will not share or release medical information, unless it is necessary to arrange for the reasonable accommodations with a supervisor. Medical information obtained by OED is confidentially housed within OED. Supervisor, department heads or divisional leaders will be notified of granted accommodations.

## **V. Procedures for Employees:**

Employee must complete the Disability Accommodation Request form <https://www.scranton.edu/equity-diversity/docs/ada-accom-form.docx> and a Request for Medical Information for ADA Accommodation form <https://www.scranton.edu/equity-diversity/docs/medical-info-request-form.pdf> , and submit it to OED.

If OED receives information that an employee may require a reasonable accommodation, via email, telephone or a third party, OED will contact the employee via email to provide the Disability Accommodation Request form <https://www.scranton.edu/equity-diversity/docs/ada-accom-form.docx> and a Request for Medical Information for ADA Accommodation form <https://www.scranton.edu/equity-diversity/docs/medical-info-request-form.pdf> for the employee to complete.

The forms request information related to the employee's medical condition, the requested accommodation, how the accommodation will assist the individual perform essential job functions, and the anticipated duration of the requested accommodation.

The Accommodation Request Form also includes a release which, if signed, authorizes OED to contact the health care provider directly to clarify information contained in the medical information form. If an employee does not sign the release, then it is the employee's responsibility to obtain the necessary information from the health care provider.

Once OED receives the completed forms, the Executive Director or Assistant Director of OED will determine if the employee is potentially eligible for accommodations under the ADA. OED will then meet with employee to engage the employee in an interactive process to discuss possible reasonable accommodations. The discussion may include, but is not limited to, discussing the employee's specific limitation as related to their job and essential job duties, discussing and/or identifying possible reasonable accommodations that will enable the employee to perform the essential job duties, identify the accommodation that best serves the needs of the employee, the students (if appropriate) and the University, etc. The Executive Director or Assistant Director may consult appropriate University supervisor, department heads, divisional leaders, experts, etc. to discuss or examine the feasibility of the requested or identified accommodations. No specific form of accommodation is guaranteed for all individuals with a particular disability. Accommodations are tailored to match the needs of the individual with the disability with the needs of the job's essential functions without creating an undue hardship.

OED may require the employee to provide additional documentation or information in order to verify a condition or to assist in identifying reasonable accommodations during the interactive process. Additionally, OED may request an employee undergo an Independent Medical Evaluation (IME) at the University's expense, if the employee and the health care provider are unable to provide sufficient medical information in support of the accommodation request.

OED, in conjunction with appropriate supervisor, department head or divisional leader, may consider a number of factors to determine a reasonable accommodation, including:

- The nature and duration of the requested accommodations

- The impact of the requested accommodation on the performance of the employee's essential function or core work related duties
- The financial impact of the requested accommodation
- The impact of the requested accommodation on other employees, students or university operations
- Any alternative accommodations

Employees will be notified in writing if no reasonable accommodation can be made.

An employee who fails or refuses to participate in the process may be denied a reasonable accommodation.

#### **VI. Supervisory Employee Obligation to Report.**

Employers are required to provide reasonable accommodations to enable applicants and employee to either, be considered for a job opening, or to perform the essential job functions of a position, respectively. All applicants and employees have the right to a fair and confidential accommodation process under the law. Supervisory employees of the University are required to refer employees that may require a reasonable accommodation to OED. Supervisory employees must inform OED that an employee was referred to OED. OED will work directly with the employee or applicant, and consult with the Department, as necessary, to determine an appropriate accommodation.

In the interactive process, a Department must work with OED to provide a suggestion for an alternative accommodation if called upon by OED.

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Note: The American's With Disabilities Act requires that, when the employee is ready to return to work after a leave (if a leave was taken), the University must allow the employee to return to the same position if the employee is still qualified to perform the essential functions of the position with or without reasonable accommodations.

#### **VII. Confidentiality**

Information relating to the underlying reason for an individual's accommodation request, which includes written requests for an accommodation, notes or report from health care providers, or other supporting documentation, is confidential information and is maintained in a locked cabinet in OED. Accommodation related information is only shared with those who have a legitimate business need to know, or as required by law. University managers, administrators, supervisor, department chairs, etc. may be provided information related to the accommodation necessary or appropriate to meet the individual's needs.

### **VIII. Planning an Accessible Event**

OED will facilitate access to a sign language interpreter, assistive listening devices, parking, and other auxiliary aids, where needed and appropriate. A request for auxiliary aids must be made at least 10 business days in advance of the event and submitted to [Jennifer.pennington@scranton.edu](mailto:Jennifer.pennington@scranton.edu).

### **IX. Accessible Parking**

In collaboration with parking services at the Department of Public Safety, OED works to adhere to the requirements of ADA Accessibility Guidelines for Buildings and Facilities (ADAAG). There are 43 accessible (handicapped) spaces distributed throughout campus.

Where self-parking in accessible space is not available, public safety will arrange to provide shuttle service from the parking pavilion to another location on campus. To access this service, call 941-7888. Some wait time during busy times is to be reasonably expected.

### **X. Third Party Vendors**

The University will not discriminate against individuals on the basis of disability directly or through contractual, licensing or other arrangements. (See Non-Discrimination and Anti-Harassment Policy <https://www.scranton.edu/equity-diversity/docs/nondiscrimination-antiharassment-policy.pdf> for further information).

### **XI. How to File a Discrimination Complaint with the Office of Equity and Diversity**

Applicants denied a job or an equal opportunity to apply for a job based on a disability, can process a complaint pursuant to the University's Non-Discrimination and Anti-Harassment policy <https://www.scranton.edu/equity-diversity/docs/nondiscrimination-antiharassment-policy.pdf>

### **XII. How to File an Appeal if Denied a Reasonable Accommodation**

If an applicant or employee is denied an accommodation by OED, an appeal can be filed with the Vice President for Human Resources. The appeal should include the accommodation requests, the accommodation provided (if any), medical documentation in support of the accommodation, any and all communication between the applicant/employee and OED, and a brief summary of what occurred during the interactive process with OED. The appeal must be filed within 15 business days of being denied a reasonable accommodation. The Vice President for Human Resources will contact the OED for a written response to the appeal within 10 business days. OED will have 15 business days to provide a response to the Vice President. The Vice President for Human Resources will issue a decision within 15 business days of receiving OED's response to the appeal.

### **XIII. Other Resources**

The Office of Human Resources oversees other policies that may overlap with this policy, including but not limited to, family medical leave, short term and long term disability, medical

benefits and other University leaves and benefits. For more information, please contact Office of Human Resources in St. Thomas Hall, Room 100.

#### **XIV. External Remedies**

Individuals have the right to bypass the University's grievance and complaint policy at their sole discretion, by complaining directly to state and federal agencies.

#### **XV. External Resources**

##### **Americans With Disabilities Act**

The US Equal Employment Opportunity Commission provides fact sheets, which address common questions about how the ADA protects applicants with disabilities. For more information go to: ([www.eeoc.gov/laws/types/disability.cfm](http://www.eeoc.gov/laws/types/disability.cfm)) and/or ([www.eeoc.gov/facts/fs-ada.html](http://www.eeoc.gov/facts/fs-ada.html))

##### **Job Accommodation Network (JAN)**

The Job Accommodation Network is a service of the Office of Disability Employment Policy. Of the United States Department of Labor. JAN's mission is to facilitate the employment and retention of employees with disabilities by providing interested parties with information on job accommodations and other subjects. For more information go to: (<http://askjan.org>)

##### **Americans With Disabilities Act Homepage**

The US Department of Justice's homepage on ADA resources, publications, and updates. For further information to go: ([www.ada.gov](http://www.ada.gov))