

Guidelines for Reasonable Accommodations under Americans with Disabilities

I. Statement

The Americans with Disabilities Act (ADA) and University of Scranton policy prohibit discrimination in employment and educational programs against qualified individuals with disabilities. It is the policy of the University of Scranton to provide reasonable accommodations or academic adjustments when necessary. These accommodations and adjustments must be made in a timely manner, on an individualized and flexible basis, and without causing undue hardship to the institution, department or other employees. Students, staff, and faculty members must maintain institutional standards of performance. The University holds employees and students with disabilities to the same standards of production/performance as other similarly situated employees and students without disabilities for performing essential job functions, with or without reasonable accommodation. The University also holds employees with disabilities to the same standards of production/performance as other employees regarding marginal functions unless the disability affects the person's ability to perform those marginal functions. Where marginal functions are affected by the disability, reasonable accommodations can be provided (<http://www.ada.gov/employmt.htm>).

It is the responsibility of the individual student, staff member, or faculty member to identify himself or herself as an individual with a disability when seeking an accommodation or adjustment. The individual bears the responsibility to document his or her disability with an evaluation from an appropriately licensed professional. The individual also assumes the responsibility to make sure his her records are kept up to date.

The individual must also demonstrate how the disability limits his or her ability to complete the essential job functions or limits participation in the university's programs or services. Medical documentation will be kept confidential.

II. Definitions

a) disability

As used in this document, a *disability* is

- 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.

Definition of 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.

(<http://www.eeoc.gov/policy/docs/902cm.html#902.1b>)

b) discrimination

As used in this document, "*discrimination on the basis of disability*" 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 accommodation (<http://www.ada.gov/employmt.htm> as well as (<http://www.un.org/disabilities/convention/conventionfull.shtml>)

c) *reasonable accommodation*

As used in this document, "*reasonable accommodation*" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms. (<http://www.un.org/disabilities/convention/conventionfull.shtml>)

According to the EEOC, there are three categories of ‘reasonable accommodation’

"(i) modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or

(ii) modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or

(iii) modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities" (<http://www.eec.gov/policy/docs/accommodation.html#intro>).

d) *undue hardship*

For purposes of this document, undue hardship is defined as “significant difficulty or expense and focuses on the resources and circumstances of the particular employer in relationship to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business. An employer must assess on a case-by-case basis whether a particular reasonable accommodation would cause undue hardship” (<http://www.eec.gov/policy/docs/accommodation.html#undue>).

III. Reasonable accommodations for students with disabilities

The Center for Teaching and Learning Excellence (CTLE) handles all reasonable accommodations for students with documented disabilities. It is the responsibility of the individual student to self-identify and provide documentation from a licensed professional to the center. Further information can be accessed at <http://www.scranton.edu/academics/ctle/disabilities/index.shtml>. Additional information at http://www.ahead.org/resources/documentation_guidance.

IV. Reasonable accommodations for employees with disabilities

Reasonable accommodations for staff and faculty can be requested from the ADA Officer at the Office of Equity & Diversity (OED). The process includes documentation of the disability from an appropriate professional, a description of the limitations, a determination of the essential

functions impacted by the limitations and a statement identifying effective reasonable accommodations. Supervisors and department heads are advised to refer all such requests to the ADA Officer at OED. Contact Information: 570 941- 6645.

Steps:

1. Employee files an application with the ADA Officer at OED, including documentation from a licensed professional.
2. ADA Officer makes a determination of eligibility under ADA reasonable accommodations guidelines.
3. ADA Officer meets with the applicant to a) identify essential functions of the applicant's position; b) discuss limitations as they relate to essential functions; c) identify the accommodations best suited to needs as identified.
4. Where necessary, a notification to the supervisor regarding recommended accommodations to the essential functions.
5. Documenting and filing of the request and determination. Given HIPAA protected materials sometimes provided by the requestor, this file is kept confidential and separate from the employee's personnel file.

NB: i) The ADA Officer may require the employee to provide additional medical documentation to verify condition and assist in the determination of appropriate reasonable accommodation for a particular case.

ii) Reasonable accommodation is determined on a case by case basis. It includes but is not limited to: sign language interpretation, task reassignment and modification to schedules, equipment, furniture and adjustments to the work space.

V. Considerations for applicants with disabilities

A diverse, talented and well qualified pool of job seekers includes persons with disabilities. Faculty and staff with disabilities provide valuable role models for students with disabilities. OED leads the charge in reaching out to qualified Veterans and applicants with disabilities. All applicants are protected by Federal Law and by the University's policy on ADA. Search committees and hiring managers should inquire of all job applicants if accommodation is needed during the interview process. Where accommodations are required, OED advises members of the search teams and all hiring managers to treat all applicants with respect and dignity, plan campus itineraries that are fully accessible to provide a level playing field for all candidates and where assistance in this matter is required, to contact the ADA Officer at diversity@scranton.edu or 570-941-6645.

VI. Working with employees who are deaf and hard of hearing

The ADA Officer (Office of Equity and Diversity) will facilitate access to a sign language interpreter where needed such as in the following situations:

- training and evaluation
- meetings during which important safety information is provided
- meetings within which discipline and or employment status change information is communicated
- large hall meetings where it might be difficult for the hearing impaired employee to read the lips of the speaker/presenter or where 'white noise', echo and other destructive sounds might interfere with hearing aids.

In situations such as these, it is important to make sure that the deaf or hard of hearing employee walks away with the same information as his/her hearing peer present at the same meeting.

Under ADA, reasonable accommodations include but are not limited to:

- re-assignment or adjustments to the job description
- a sign language interpreter* (see above)
- small meetings with audio as well as visual aids (power point, posters, handouts etc.)
- positioning the employee with hearing peers that would provide information
- provisions for one-on-one meetings to provide information provided in a larger meeting
- positioning the employee to enable lip-reading
- communication equipment can be retro-fitted with a vibrator.
- strobe lights for safety alarms.

VII. Working with employees who have low vision, partial sight, or total blindness

Under the University’s policy on ADA, reasonable accommodations for employees who are blind or visually impaired include but are not limited to:

- magnifiers
- signage in braille
- library materials that are accessible in braille
- equipment that is fitted with sound and vibrators
- the use of a service animal
- re-assignment or adjustments to the job description

VIII. 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) (please see: <http://www.access-board.gov/adaag/html/adaag.htm#4.1>). As per these guidelines, there are 43 accessible (handicapped) spaces distributed as follows:

Location	# of spaces available	Location	# of spaces available
Redington Hall	6	Clever Hall	2
O’Hara Hall	6	Hyland Hall	1
Smurfit Hall	1	Ciszek Hall	1
Rock Hall	3	McGurrin Hall	2
The Pavilion	8	The Print Shop	1
The Estate	4	Brennan Hall	4
Long Center	4		

In addition, The University has arranged for the city to install two additional accessible meters at the lower end of campus to help accommodate (1) next to O'Hara Hall and (1) next to Leahy Hall as well obtained permission to mark a space in front of SBDC operation in the 400 block of Quincy Avenue as accessible. 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. This service can be accessed by dialing 941-7888. Some wait time during busy times is to be reasonably expected.

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