

Tuskegee University Reasonable Accommodation Policy

Statement of Nondiscrimination

Tuskegee University (“Tuskegee”) is committed to providing equal access to individuals with disabilities, including physical access to programs and reasonable accommodations for otherwise qualified members of the university community. Tuskegee does not discriminate on the basis of race, color, national origin, ethnic origin, sex, sexual orientation, age, disability or status as a protected veteran in employment or the rights, privileges, programs, and activities generally accorded or made available to students at the school, administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs. This statement of non-discrimination applies to employment, educational programs, educational policies, admissions policies, educational activities, access and admission, scholarship and loan programs, and athletic and other school-administered programs. Tuskegee is committed to creating an accessible and inclusive campus experience for all members of the campus community.

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA), as amended, provide that no qualified individual with a disability may be denied access to or participation in services, programs, and activities. This applies to employees and students. Employees and applicants with a disability may be eligible for reasonable accommodations that will allow them to perform the essential functions of their position or participate in the hiring process for an open position. A reasonable accommodation is a modification or adjustment to a job, employment practice or the work environment. Accommodation requests and inquiries regarding compliance with Section 504 or the ADA, including requests for reasonable accommodation, should be directed to one of the designated individuals listed below as soon as the otherwise-qualified employee becomes aware of the need for a reasonable accommodation. In no event should the employee wait more than thirty days to request an accommodation. In addition, for questions order complaints related to disability, access, removal of barriers, or reasonable accommodation for otherwise-qualified individuals under the ADA or section 504, contact:

Director, ADA Compliance

Steven B. McCrary
Tompkins Hall, Room 301
Ball Room Level
Office: 334-727-8186
Mobile: 615-604-1225
smccary@tuskegee.edu

Human Resources

101 Kresge Center
Office: 334-727-8510
hr@tuskegee.edu

Tuskegee will not:

- Treat any employee, student, or applicant adversely due to a disability, record of a disability, perceived disability, or because of a relationship with an individual who has a disability;
- Inquire if an applicant for employment or educational program has a disability except as required by federal laws and regulations; however, in the application process, the university may invite applicants who require accommodations to disclose the need for such accommodations on a confidential basis;
- Use any qualification standards or selection criteria that would have the effect of screening out individuals with disabilities, unless the standards or criteria are directly related to and necessary for the job or academic program; or
- Release information regarding disability-related requests except as necessary to process the request; medical information will be collected and maintained in accordance with a reasonable accommodation process.

Applicability

This policy applies to all employment and educational practices and actions, as well as student classroom accommodations, student access, and academic adjustments by faculty members. It includes, but is not limited to, recruitment, application, examination and testing, hiring, training, teaching, grading, disciplinary actions, rates of pay or other compensation, advancement, classification, transfer and reassignment, discharge, and all other terms and conditions of employment and educational status. It also includes access to programs, services, housing, and activities which may occur outside the classroom or office environment but which are an integral part of the university experience. This policy also applies to public access to university programs, services, and other offerings to the extent that such are made available by Tuskegee to the general public.

To be protected under the ADA, an individual must be disabled, have a record of a disability, or be regarded as being disabled, as opposed to having a minor or temporary impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, and performing manual tasks, walking, caring for oneself, learning or working. The obligation to provide a reasonable accommodation applies only to known physical or mental limitations.

An individual with a disability must also be qualified to perform the essential functions of the job with or without reasonable accommodation, in order to be protected by the ADA. This means that the applicant or employee must:

- Satisfy all job requirements related to educational background, employment experience, skills, licenses, and any other qualification standards that are job related; and
- Be able to perform those tasks that are essential to the job, with or without reasonable accommodation.

Definitions

A. Academic Adjustments

Modifications to academic requirements made to ensure that requirements do not discriminate or have the effect of discriminating, on the basis of disability, against a qualified applicant or student with a disability. Academic requirements that are essential to the instruction being pursued by the student or to any directly related licensing requirement will not be subject to modification. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.

B. Accommodation documentation

Documentation that outlines the accommodations, academic adjustments, and/or auxiliary aids recommended to enable an employee or student to work or complete an academic program.

C. Auxiliary Aids

Actions taken or materials provided to ensure that qualified students with disabilities can receive the benefits of the educational program, regardless of impaired sensory, manual, or speaking skills. Auxiliary aids may include audio or described taped texts, sign or oral interpreters, captioning or other effective methods of making orally delivered materials available to students with hearing impairments, readers for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions. Auxiliary aids do not include personal services or equipment, such as attendants, readers for personal use, or individually prescribed devices unrelated to the course of study.

D. “Disability” defined

A disability is defined as

- A physical, mental, or medical impairment resulting from anatomical, physiological, genetic, or neurological conditions which prevent the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques, or
- Having a record of such an impairment, or
- Being regarded by others as such an impairment.

E. Essential Function

Essential functions are the basic job duties that an employee must be able to perform, with or without reasonable accommodation. A duty may be considered an essential function if:

- The position exists to perform that function,
- There are a limited number of employees available who could fulfill that function, and/or
- The function is highly specialized.

Other indicators of essential functions include:

- The university's judgment as to which functions are essential,
- A written job description prepared before advertising or interviewing for a job,
- The actual work experience of present or past employees in the job
- The time spent performing a function, and/or
- The consequences of not requiring that an employee perform a function.

The above is not an exhaustive definition of essential function. In determining whether a duty is essential, it is also relevant to consider the amount of time spent performing the function, consequences of not allowing someone to perform the function, written job description, work experience of people who are performing the job or who have performed the job in the past, and terms of any applicable collective bargaining agreements.

F. Interactive Process

The method by which an employee and employer explore whether reasonable accommodations can enable the employee to perform the essential functions of a position. The interactive process should involve open dialogue that allows for full participation by both employer and employee. In the academic context, the interactive process can also be an appropriate avenue for students and instructors to reach agreement concerning academic adjustments and/or auxiliary aids necessary to allow the student to complete academic requirements.

G. Qualified Employee with a Disability

An individual with a disability who can perform the essential functions of the position, with or without reasonable accommodation.

H. Qualified Student with a Disability

A student with a disability who meets the academic and technical standards requisite to admission or participation in the education program or activity, with or without the provision of academic adjustments and/or auxiliary aids.

I. Reasonable Accommodations

Actions taken which permit an employee or applicant with a disability to perform the activities involved in the position held or sought in a reasonable manner provided that such actions do not impose an undue hardship or eliminate essential functions of the job. These include, but are not limited to, provision of an accessible worksite, acquisition or modification of equipment, support services for persons with impaired hearing or vision, job restructuring, and modified work schedules.

J. Undue Hardship

It is not necessary to provide a reasonable accommodation if doing so would cause an undue hardship. Undue hardship means that an accommodation would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature or operation of the business. Among the factors to be considered in determining whether an accommodation is an undue hardship are the cost of the accommodation, the employer's size, financial resources and the nature and structure of its operation. Whether a requested accommodation poses an undue hardship must be based upon an individualized assessment of current circumstances regarding the position and accommodation. When a department is concerned that a requested accommodation will pose an undue hardship, it must proceed according to the procedures in this policy.

K. Direct threat

The ADA permits an employer to require that an individual not pose a direct threat to the health and safety of the individual or others in the workplace. A direct threat means a significant risk of substantial harm. The determination that an individual poses a direct threat must be based on objective, factual evidence regarding the individual's present ability to perform essential job functions. If an applicant or employee with a disability poses a direct threat to the health or safety of himself or others, Tuskegee will consider whether the risk can be eliminated or reduced to an acceptable level with a reasonable accommodation.

L. Reporting requirement

Any employee who requires a reasonable accommodation to perform the essential functions of his or her job is responsible for contacting Human Resources, the Director for ADA Compliance or the Section 504 coordinator using the contact information listed above as soon as the employee becomes aware of the need for the accommodation. Tuskegee will not be responsible for failing to provide an accommodation if none is requested. Tuskegee will reasonably accommodate otherwise qualified employees with disabilities who are able to perform the essential functions of their job with or without a reasonable accommodation as defined by law except where such accommodation presents an undue hardship.

Procedures

Application for Employment Process

- Applicants who require reasonable accommodations with respect to applying, interviewing, or any other aspect of the hiring process should contact Tuskegee's Office of Human Resources or the Director of ADA Compliance to make appropriate arrangements. Human Resources will not disclose confidential information regarding the applicant's disability, and will only share information as necessary to implement the request.
- Interviews, testing, and/or any other steps in the application process that require an applicant's presence on campus should be held in locations that are accessible to individuals with mobility impairments. If interviews are scheduled in a location that is not accessible

to an applicant with a disability, the search committee will relocate the interview to a location that can be accessed by the applicant.

- If the applicant has not given timely notice of the need for an accommodation for an interview, the search committee will reschedule the interview if this does not create an undue hardship with respect to the search process.
- Interviewers may not ask questions or make comments related to an applicant's disability. Interviewers may ask if or how applicants can perform the essential functions of a position, with or without reasonable accommodations. If the applicant mentions during the interview that he or she has a disability that requires accommodation, the interviewer should state that the university provides reasonable accommodations, but should not inquire further as to the applicant's disability.
- After a job offer is made to the applicant, the applicant may be required to submit to a medical examination or answer job-related health questions if examinations or questions are required for all individuals performing the same job. If the results reveal that the applicant is unable to perform the essential functions of the position with or without reasonable accommodations, the offer may be rescinded only after consultation with the office of General Counsel and the ADA Compliance Director.

Process for employee accommodation

Employees with disabilities who do not require reasonable accommodations are entitled to privacy with respect to their disabilities. If a supervisor or manager suspects that an employee's disability might be the cause of work-related or behavioral issues, the employee should not be questioned with respect to a disability or possible disability. To request a reasonable accommodation, an employee or applicant should proceed as follows:

1. Accommodation request

An employee who needs a reasonable accommodation should submit a request in writing to Human Resources or the Director of ADA Compliance. No special form is required. Human Resources and the Director of ADA Compliance will consult with the employee's department and may work with other University departments and personnel to ensure that an employee with a disability can perform or continue to perform (if the disability occurs after employment) his or her job responsibilities, a reasonable accommodation requires a current statement of need from a treatment provider.

2. Documentation

Tuskegee will not provide an accommodation without verification of the disability by a professional medical or mental health provider and medical documentation. Medical information is treated as confidential and will be shared with University administrators only on a need to know basis. If the medical documentation provided is insufficient, the employee will be notified by email so he or she can submit or otherwise provide additional documentation.

The individual may suggest a reasonable accommodation based upon her own life or work experience. In addition, the employee and/or the employee's current treatment provider should

recommend any reasonable accommodation the employee wants the University to consider. The University may request that the employee sign a release allowing the University to directly communicate with the employee's treatment provider for clarification or other assistance with respect to the requested accommodation. The employee is not required to sign the release, but doing so will assist the University with identifying and implementing a reasonable accommodation.

3. Interactive process

Accommodation decisions must be made on a case-by-case basis, in consultation with the employee's department, because the nature and extent of a disabling condition and the requirements of the job will vary. The principal test in selecting a particular accommodation is that of effectiveness, i.e., whether the accommodation will enable the person with a disability to perform the essential functions of the job. It need not be the best accommodation or the accommodation the individual with a disability would prefer, although consideration should be given to the preference of the individual involved. However, as the employer, the University has the final discretion to choose between effective accommodations, and may select one that is least expensive or easier to provide.

The employee requesting a reasonable accommodation is responsible for participating in the interactive process, which includes providing any input the employee wishes the University to consider when making a determination concerning a reasonable accommodation. An employee who fails to disclose a disability, provide input concerning reasonable accommodation, or to request a specific accommodation cannot fault the University if an accommodation is not provided.

Even though the employee is responsible for providing input concerning the accommodation and engaging in an interactive process, Tuskegee will determine what constitutes a reasonable accommodation. Tuskegee also reserves the right to request additional independent medical examinations, evaluations and other appropriate information at the University's expense.

4. Types of reasonable accommodation available to otherwise-qualified employees

A reasonable accommodation is a modification or adjustment to a job, employment practice or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity. Reasonable accommodations are only available to otherwise-qualified employees who are able to perform the essential functions of their job with or without reasonable accommodation. Reasonable accommodations may include, but are not limited to, changing the physical location of an employee's job, e.g., from an upstairs classroom requiring the use of stairs, to a ground floor classroom that does not, restructuring non-essential job responsibilities and duties, and modifying the employee's work schedule.

5. Undue hardship

As noted above, in some instances, a requested accommodation may pose an undue hardship on the University which prevents the accommodation from being offered. The determination of whether an accommodation creates an "undue hardship" is contingent upon a number of variables.

Supervisors must contact Human Resources or the ADA Coordinator before disciplining, transferring, terminating or relieving an employee of job responsibilities due to disability or pregnancy.

Illegal Use of Drugs

Individuals who currently use drugs illegally are specifically excluded from the ADA's protections. Any employee, student, or volunteer who is currently using drugs illegally is not protected by the ADA and may be denied employment or fired on the basis of such use. The ADA does not prevent employers from testing applicants or employees for current illegal drug use, or from making employment decisions based on verifiable results. A test for the illegal use of drugs is not considered a medical examination under the ADA; therefore, it is not a prohibited pre-employment medical examination and the University will not have to show that the administration of the test is job related and consistent with business necessity. Illegal use of drugs will result in disciplinary action up to and including suspension or expulsion for students and termination for employees.

Disability grievance

Any staff member who believes he or she has been subjected to unlawful harassment or discrimination on the basis of disability may file a grievance with the Director of ADA Compliance. The Office of Human Resources shall make the initial decision on any request for accommodations, and such initial decision shall take effect immediately, provided that any staff member who believes that he or she has been denied access to accommodations required by law as the result of a recommendation by Human Resources, may request review of that decision by the Office of General Counsel. After such review, the President's Cabinet may modify that decision where the Cabinet determines that the recommendation by the Office of Human Resources resulted from a manifestly erroneous application of the ADA and Section 504.