



# Policy

## UNIVERSITY POLICY HR-04.01-07/20

**TO:** The University of West Florida Community

**FROM:** Dr. Martha Saunders, President

**SUBJECT:** Reasonable Accommodation and Compliance with the Americans with Disabilities Act of 1990 (ADA) and the ADA Amendments Act (2008) (ADAAA)

**Responsible Office/Executive:** Human Resources Department/President

### I. POLICY STATEMENT

The University of West Florida (UWF) is committed to maintaining an inclusive and accessible environment across all of its programs. Ensuring that all qualified employees, students, and guests have access to University programs and activities is critical to our educational mission and is among our highest priorities. As a part of this commitment, it is the policy of UWF to comply fully with the requirements of the Americans with Disabilities Act as amended by the 2008 Americans with Disabilities Amendments Act, hereafter referred to collectively as the ADA, section 504 of the Rehabilitation Act of 1973, and other federal and state laws and regulations prohibiting discrimination on the basis of disability or handicap.

### II. PURPOSE OF POLICY

To ensure non-discrimination against persons with disabilities in all areas of UWF's services and facilities and to provide appropriate roles and responsibilities to comply with federal law regarding disability accommodation.

### III. DEFINITION OF TERMS

- A. Reasonable Accommodation** – For the purpose of this policy, a reasonable accommodation is a modification or adjustment to a course, program, service, activity, position, or facility that enables a qualified university member with a disability to have an equal opportunity. An equal opportunity means an opportunity to attain the same level of performance or to enjoy equal benefits and privileges as are available to a similarly situated university member without a disability. The university has an obligation to make reasonable accommodations in policies, practices or procedures when accommodations are needed to prevent discrimination based on a disability, unless making the accommodations would fundamentally alter the nature of the service, program or activity, facility, or

position would result in undue hardship.

- B. Disability** (as defined by the ADA) - For the purpose of this policy, the term disability means, with respect to an individual a) a physical or mental impairment that substantially limits one or more major life activities of such individual; b) a history or record of such an impairment; or c) regarded as having such an impairment.
  
- C. Qualified Individual** – The term “qualified individual” means an individual who, with or without reasonable modifications and accommodations, meets the essential requirements for the job, programs, services, and activities offered by the University.
  
- D. Undue Hardship** (as defined by the ADA) –
  - a. In general  

The term “undue hardship” means an action requiring significant difficulty or expense, when considered in light of the factors set forth in subparagraph b.
  
  - b. Factors to be considered  

In determining whether an accommodation would impose an undue hardship on UWF, factors to be considered include:

    - i. the nature and cost of the accommodation needed;
  
    - ii. the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on the expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;
  
    - iii. the overall financial resources of UWF; the overall size of UWF with respect to its number of employees; the number, type, and location of UWF’s facilities; and,
  
    - iv. the type of operation or operations of UWF, including the composition, structure, and functions of the workforce of UWF; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to UWF.

#### **IV. EMPLOYMENT**

- A.** UWF is committed to providing equal employment opportunities to and promoting full participation of individuals with disabilities in accordance with the ADA. The ADA requires an employer to make reasonable accommodations only at the request of an otherwise qualified employee or applicant with a disability, who requires an accommodation to perform the essential functions of the job, or to participate in the employment application process. The University is not required to provide a reasonable accommodation when doing so would create an undue hardship, compromise the health and safety of the members of the university community, or fundamentally alter the nature of the University's employment mission.
  
- B.** When an employee or applicant for employment requests a reasonable accommodation, it is UWF's responsibility to determine whether the individual has a disability that requires an accommodation, what constitutes an appropriate accommodation, and whether the requested accommodation is reasonable. The decision is made by the University on a case-by-case basis through the Interactive Accommodation Process (IAP) via discussion with the individual requesting the accommodation, the hiring department/supervisor, and the ADA Coordinator. It is the responsibility of the individual requesting the accommodation to provide sufficient information and supporting medical documentation to support the need for the accommodation requested.
  
- C.** To verify the need for reasonable accommodations, the University may seek information from appropriate University personnel regarding essential job functions.
  
- D.** Requests for reasonable accommodations and supporting medical documentation should be submitted in a timely manner to allow processing and to ensure the best service for the individual. Retroactive requests will not be accommodated.
  - 1. Initiating the Accommodation Process
    - a. **JOB APPLICANTS:** At any point of the application process, applicants for employment may initiate a request for accommodation by contacting the ADA Coordinator or his/her recruiting contact.
  
    - b. **EMPLOYEES:** Employees can initiate the accommodation process:
      - i. By completing the Accommodation Request Form through the Human Resources website; or,
  
      - ii. By initiating the request with the employee's immediate supervisor, either verbally or in writing.

- c. SUPERVISORS: Supervisors who receive a request for accommodation shall:
  - i. Provide the employee with information about the ADA; and,
  - ii. Contact the ADA Coordinator so that official processing of the request can begin.
  
- E. All University administrators and supervisors are responsible for ensuring that each employee has equal access to benefits and privileges of employment offered to all employees. If questions arise regarding an individual's disability and ability to perform their essential job functions, supervisors should determine, through discussion with the employee and in consultation with the ADA Coordinator, whether a reasonable accommodation is needed.
  
- F. Processing the Accommodation Request
  - 1. Upon receipt of the electronic request form or a referral from a supervisor, the ADA Coordinator will begin the Interactive Accommodation Process. The process will involve discussions with the applicant/employee and require supporting medical documentation from his/her health care provider. The ADA Coordinator will make the final decision regarding the accommodation request in consultation with the employee's supervisor.
  - 2. The ADA Coordinator is required to verify the disability relating to the requested accommodation based on the information and medical documentation provided and request a copy of the individual's essential job functions from the employee's supervisor. Once the disability has been verified, the ADA Coordinator will facilitate the discussion with the employee and his/her supervisor regarding the accommodation needs.
  - 3. Employees or applicants who are referred to or contact the ADA Coordinator but choose not to initiate the accommodation process, submit required documentation, or engage in the IAP will not receive an accommodation.  
*\*Disabilities that are obvious may not require documentation.*
  
- G. The ADA Coordinator will engage in the IAP with the applicant/employee and will review their needs in relationship to the essential functions of the position. The ADA Coordinator will work with the employee/applicant and the hiring department/supervisor to identify and discuss reasonable accommodations that will enable the individual to perform the essential functions of the job or enjoy the same benefits and privileges as similarly situated employees without disabilities.
  
- H. Employees and applicants interested in requesting reasonable accommodations can contact the ADA Coordinator at [ada@uwf.edu](mailto:ada@uwf.edu) or call 850.474.2694.

**V. PUBLIC ACCOMMODATIONS AND SERVICES**

- A. Portions of state universities are public facilities, such as student unions, museums, athletic facilities, auditoriums, libraries, recreational facilities, and certain public websites. Such facilities and programs must be accessible to individuals with disabilities. Any person requiring special accommodations to participate in UWF-sponsored programs is requested to advise UWF by contacting the ADA Coordinator.
  
- B. To ensure nondiscrimination against individuals with disabilities in all areas of UWF's services and programs, including university sponsored events, the following statement regarding accommodations must be included on publications or marketing materials such as posters, flyers, brochures, and announcements:

**Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations is requested to advise UWF by contacting Human Resources at 850-474-2694 or 850-857-6158 (TTY) at least two (2) business days prior to the event. For more information or to submit a request, visit the Public Event Accommodations Page or email ada@uwf.edu.**

- C. Ensuring that all qualified university members have access to university programs and activities is critical to our educational mission. It is also among our highest priorities.

Approved by: DocuSigned by:  
Martha Saunders  
D54A387C376848D... Date: 07/07/2020  
Dr. Martha D. Saunders President

*History: enacted July 2020; formerly EO-04.00-12/01.*