



SPRING HILL COLLEGE

Reasonable Accommodation and Compliance with Americans with Disabilities Act of 1990 and the ADA Amendments Act (2008) (ADAAA) Human Resources

Policy Statement:

Spring Hill College 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 College programs and activities is critical to our educational mission and is among our highest priorities. As part of this commitment, it is SHC policy to comply with ADA and other federal and state laws and regulations prohibiting discrimination on the basis of disability or handicap as it pertains to employment opportunities.

Purpose of the Policy:

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

Definitions:

- 1. 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.
- 2. Disability** - 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 an individual; b) a history or record of such an impairment; or c) regarded as having such an impairment.
- 3. 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.

Undue Hardship (as defined by the ADA)

1. **In general:** The term means an action requiring significant difficulty or expense, when considered in light of the factors set forth in subparagraph below.
 - a. Factors to be considered in determining whether an accommodation would impose an undue hardship on SHC, 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 SHC; the overall size of SHC with respect to its number of employees; the number, type, and location of SHC facilities;
 - iv. The type of operation or operations of SHC, including the composition, structure, functions of the workforce of SHC; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to SHC

Employment

1. SHC is committed to providing equal employment opportunities to and promoting full participation of individuals with disabilities in accordance with the ADA. The ADA requires employers to make reasonable accommodations only at the request of the 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 College is not required to provide reasonable accommodations when doing so would create an undue hardship, compromise the health and safety of the members of SHC or fundamentally alter the nature of the College's employment mission.
2. When an employee or applicant for employment requests a reasonable accommodation, it is SHC'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 College on a case-by-case basis through the Interactive Accommodation Process (IAP) via discussion with their individual requesting the accommodation, the hiring department/supervisor, and the HR Director. 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.
3. To verify the need for reasonable accommodation, SHC may seek information from appropriate College personnel regarding essential job functions.

4. 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.
 - a. Initiating the Accommodation Process
 - i. JOB APPLICANTS: At any point of the application process, the applicants for employment may initiate a request for accommodation by contacting the HR Director.
 - ii. EMPLOYEES: Employees can initiate the accommodation process:
 1. By sending a notice to HR outlining their disability, functional limitations, and reasonable accommodations requested along with medical documentation.
 2. By initiating the request with the employee's immediate supervisor in writing. The supervisor will contact HR to begin the process.
 - iii. SUPERVISORS: Supervisors who receive a request for accommodation shall
 1. Provide the employee with information about the ADA accommodation process; and,
 2. Contact HR so that official processing of the request can begin
5. All College 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 employees and in consultation with the HR Director, whether a reasonable accommodation is needed.
6. Processing the Accommodation Request
 - a. Upon receipt of the email message from the employee or a referral from a supervisor, the HR Director 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 HR Director will make the final decision regarding the accommodation request in consultation with the employee's supervisor.
 - b. The HR Director 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 HR Director will facilitate the discussion with the employee and his/her supervisor regarding the accommodation needs.
 - c. Employees or applicants who are referred to or contact the HR Director 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.

7. The HR Director will engage in the IAP with the applicant/employee and will review their needs in relationship to the essential functions of the position. The HR Director 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.