

**Policy 1331
Disabilities & Reasonable Accommodations**

Date of Current Revision: August 2012

Primary Responsible Officer: Director of Human Resources

Secondary Responsible Officer: Directors of Equal Opportunity and Disability Services

1. PURPOSE

This policy sets forth provisions for the university's compliance with relevant legislation and policy and establishes the university's intent that qualified persons with disabilities be provided with reasonable accommodation to ensure equal access and equal opportunities with regard to the university's programs and services. This policy is intended to provide a method by which the university will process requests for disability accommodations.

2. AUTHORITY

The Board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia section 223-164.6; 23-9.2:3. The Board has delegated the authority to manage the university to the president.

STATE OR FEDERAL STATUTE AND/OR REGULATION

The Americans with Disabilities Act as modified by the ADA Amendments Act of 2008 (42 U.S.C. § 12,101 et seq.), and Section 504 of the Rehabilitation Act (29 U.S.C. §791, et seq.) prohibit discrimination against a person with a disability in the offer or conditions of employment, and in the participation or furnishing of services. The university is obliged to provide reasonable accommodations to enable qualified individuals with disabilities to perform a job, participate in a class, or participate in other university functions.

3. DEFINITIONS

Accommodation

Any change in the work environment, the educational experience, or the provision of services that enables a qualified individual with a disability to enjoy equal opportunity to perform the job, participate in the educational experience, or receive the provision of services.

ADA/Section 504 Coordinator

The person designated by the university to review denials of requests for reasonable accommodation and other claims of discrimination on the basis of a disability. The University's ADA Coordinator and Section 504 Coordinator is the Director of the Office of Equal Opportunity.

Disability

A documented physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.

Disability Resources Committee ("DRC")

A university advisory group that offers informal advice and support to the administration in responding to persons with disabilities, their supervisors, and the university community at large.

Documentation

Those documents and reports that are required to be presented to the university by the person requesting an accommodation before any accommodation will be provided. Documentation consists

of official written communications from a relevant qualified treating health professional (such as a physician, surgeon, psychiatrist, physical therapist, etc.). This communication must be current and must describe the diagnosis and nature of the disability, the major life function(s) effected, the functional limitations of the disability, and the prognosis. The professional may also make suggestions regarding the accommodations being requested, and the university may ask the person requesting an accommodation to provide input from the professional concerning appropriate and meaningful accommodations. Specific guidelines for the documentation of a documented disability can be found at <http://www.jmu.edu/humanresources/benefits/ada/index.shtml>. In addition, see [guidelines on documentation related to requesting academic accommodations for students](#).

Essential Function:

A task or responsibility that is central (not marginal) to the purpose of the job, the class, or the activity.

Employee

A full-time or part-time instructional or administrative & professional faculty member, a classified staff member, or a wage employee of the university.

Employment practices

Application procedures, hiring, advancement, discharge, compensation, benefits, training and development and all other terms and conditions of employment.

Harassment

A form of discrimination consisting of unwelcome or offensive physical, verbal or written conduct that shows aversion or hostility toward a person on the basis of age, color, disability, gender identity, genetic information, national origin, parental status, political affiliation, race, religion, sex, sexual orientation or veteran status in the following situations:

1. When submitting to or rejecting the conduct is made the basis for an evaluation, personnel action, or recommendation for a personnel action affecting an employee, or an evaluation, action or recommendation for an action affecting a student; or
2. When the conduct has the purpose or effect of unreasonably interfering with the performance of an employee or a student, and the conduct creates a hostile, intimidating or offensive learning or working environment.

Harassment specifically includes instances of sexual violence of any type perpetrated against a member of the university community.

Hardship

An accommodation imposes an undue hardship on the university if it constitutes an undue financial and/or administrative burden on the university, or it requires a fundamental alteration in the nature of the job, program or activity.

Qualified Individual with a disability

One who, with or without reasonable accommodation, can perform the essential functions of a particular job or meet specific academic/program requirements for participation in a university sponsored program, service or activity.

Major bodily functions

Major bodily functions include, but are not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

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 and major bodily functions, which include functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions. An individual's ability to perform a major life activity is compared to most people in the general population.

Office of Disability Services (ODS)

The office that assists students with disabilities in obtaining reasonable accommodations from the university to fully participate in their educational experience at JMU, and assists faculty members and administration at the university in analyzing requests for accommodations from students with disabilities.

Office of Equal Opportunity (OEO)

The office that assists visitors with disabilities in having access to events sponsored by JMU, and assists offices sponsoring events in analyzing requests for accommodations from visitors with disabilities.

Human Resources Department (HR)

The office that assists employees with disabilities in obtaining reasonable accommodations from the university to perform their job duties, and assists supervisors and administration at the university in analyzing requests for accommodations from employees with disabilities.

Reasonable accommodation

An action that may be taken by the university to accommodate an individual with a documented disability, without imposing an undue hardship on the university.

Student

Any full or part-time student currently enrolled in at least one for-credit or non-credit course.

Substantially limits

An individual's major life activity is substantially limited if he/she is unable to perform a major life activity that an average person in the general population can perform. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active. Mitigating measures taken by the individual will not be taken into consideration in determining whether the individual is substantially limited in a major life activity, except for corrective eyewear.

Visitor

A member of the public who is attending an event sponsored by the university or visiting university-controlled property.

4. APPLICABILITY

This policy applies to all university visitors, students and employees. It applies to all university employment, educational opportunities, programs and services.

5. POLICY

The university will provide reasonable accommodation to qualified individuals with documented disabilities to ensure equal access and equal opportunities with regard to university employment, university educational opportunities, and the university's programs and services.

Persons with disabilities are held to the same standards of conduct as other employees, students, or visitors, and a disability will not excuse misconduct.

6. PROCEDURES

6.1 Application

The Human Resources Department website provides a listing of the steps required to apply for reasonable accommodations for employees or applicants with a disability. The website is located at <http://www.jmu.edu/humanresources/benefits/ada/index.shtml>.

A student requesting accommodations under this policy must contact [ODS](#). Employees requesting accommodations under this policy must contact their supervisors. Visitors to events or university controlled property who are requesting accommodations under this policy must contact the office sponsoring the event or [OEO](#). Notice of the need for an accommodation must be made as far in advance as possible to allow the university to make appropriate arrangements.

6.2 Assessment and Dialog

Supervisors who receive disability accommodation requests from employees must immediately consult with HR and should not attempt to determine whether the employee has provided acceptable documentation, or what might constitute reasonable accommodations, without the participation of HR in the discussion. Supervisors may also contact the [Disability Resources Committee](#) for advice and information.

A student's request for an accommodation must be referred to ODS for assessment. Faculty members and university staff members who receive requests from students for disability accommodations must immediately refer the students to ODS, and should not attempt to determine whether the student has provided acceptable documentation, or what might constitute reasonable accommodations, without the participation of ODS in the discussion.

The office receiving a request for an accommodation from a visitor may contact OEO for assessment of the request, if assistance is needed.

The university's assessment of the individual's needs and the availability of accommodations must be made on a case by case basis. The university may request permission from the individual making the request for accommodations to interact directly with the medical provider, to determine what accommodation would be reasonable and effective.

The person requesting the accommodation and the office responsible for evaluating the request are required to cooperate in attempting to reach an agreement on a reasonable accommodation. This dialog is the responsibility of both parties.

For information on parking and gate permits for individuals with vehicle handicap permits, see the Parking Services website at <http://www.jmu.edu/parking>.

6.3 Determination

Final determination of reasonable accommodations rests with the university. Any person with a disability who is dissatisfied with a responsible department's response to a disability accommodation request may file a complaint with the Director of Equal Opportunity who serves as the ADA/Section 504 Coordinator.

6.4 Review

If an accommodation is granted to an employee, the accommodation will be reviewed annually by HR to determine whether updated documentation is needed and whether the accommodation is still appropriate and sufficient.

6.5 Confidentiality

6.5.1. Information about an employee's documented disability will be kept in a secured file separate from the personnel file in the academic unit office and/or the college office, and this file must be kept confidential and shared with individuals within the university only to the extent allowed by law. However, once HR has been informed of an employee's documented disability and request for accommodations, the employee's supervisor and chain of authority (if applicable) may be notified and brought into the discussion so that any accommodation request can be coordinated through the supervisor and chain of authority.

6.5.2. Information about a student's documented disability must be kept in a file separate from the educational records in the academic unit office and/or the college office, and this file must be kept confidential and shared with individuals within the university only to the extent allowed by law. However, once ODS has been informed of a student's documented disability and request for accommodations, the student's faculty members and the academic administration may be notified and brought into the discussion so that any accommodation request can be coordinated through ODS and the academic administration.

6.5.3. Information about specific requests for accommodation from visitors may be kept in a file in the office receiving the request, which may consult with the OEO concerning reasonable accommodations. Once an office at the university has been informed of a visitor's disability and request for accommodations, the appropriate offices within the university may be notified and brought into the discussion so that any accommodation request can be coordinated through the appropriate offices.

6.6 Disability Resources Committee

To serve as an advisory committee and resource for the JMU community, the University has established the [Disability Resources Committee](#). This committee, which is comprised of representatives from the OEO, ODS, Academic Affairs, and Human Resources, as well as other qualified members of the staff or faculty, exists to provide support, information and advice to the University community to help maximize the opportunities and success of faculty, staff, students and others with documented disabilities as they relate to the University community. The Disability Resources Committee provides such services as:

- Providing advice to assist in the determination of reasonable accommodations
- Providing training for faculty and staff
- Advising supervisors on effective incorporation of persons with disabilities into the workplace
- Advising the university administration on disability-related policies and procedures.

Membership of the Disability Resources Committee is determined in conjunction with OEO, ODS and HR. The Committee can be accessed by contacting one of the following:

Office of Equal Opportunity - 568-6991

Disability Services - 568-6705 or disability-svcs@jmu.edu

Human Resources - 568-3825 or humanresources@jmu.edu

6.7 Complaint Procedures

For procedures on filing a complaint of disability discrimination or failure to grant a reasonable accommodation, please refer to Policy [1324](#) - Discrimination and Harassment Complaint Procedure.

7. RESPONSIBILITIES

7.1 An employee is responsible for providing adequate notification to either his or her supervisor or HR of the need for accommodation for a disability. The employee is also responsible for providing appropriate documentation of the disability, and for cooperating with the university in attempting to reach an agreement on a reasonable accommodation.

7.2 A student is responsible for providing adequate notification to ODS of the need for accommodation for a disability. The student is also responsible for providing appropriate documentation of the disability and for cooperating with the university in attempting to reach an agreement on a reasonable accommodation.

7.3 A visitor attending a university event or visiting university-controlled property is responsible for informing the event sponsor or a responsible university representative of his or her need for accommodation for a disability. A visitor is responsible for cooperating with the university in attempting to reach an agreement on a reasonable accommodation.

7.4 ODS is responsible for processing and assessing requests for disability accommodations from students, and for providing access plans and advice to faculty members and administrators concerning reasonable accommodations for students. See the ODS for procedures and details at <http://www.jmu.edu/ods>. In addition, see [guidelines on documentation related to requesting academic accommodations for students](#).

7.5 HR is responsible for processing and assessing requests for disability accommodations from employees, and for advising supervisors concerning reasonable accommodations for employees. See HR for procedures and details at <http://www.jmu.edu/humanresources/benefits/ada/index.shtml>.

7.6 OEO is responsible for advising offices concerning requests for disability accommodations from visitors.

7.7 The sponsor for a specific university activity is responsible for processing requests for accommodations from individuals participating in such activity, with assistance from OEO.

7.8 Any university representative who receives a request for an accommodation is responsible for contacting OEO, ODS or HR for assistance in providing an appropriate response to the request.

7.9 Faculty members are responsible for providing reasonable accommodations regarding classwork, assignments, and attendance to students.

7.10 Supervisors are responsible for providing reasonable accommodations regarding assignments, schedules, and other aspects of employment to employees within their areas.

7.11 Normally particular departments are responsible for the costs associated with making reasonable accommodation for employees and visitors, although extraordinary costs for reasonable accommodations may be the responsibility of a larger budgetary authority. The costs of most accommodations for students are covered by the Office of Disability Services, although extraordinary costs may be the responsibility of a larger budgetary authority.

8. SANCTIONS

Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment.

9. EXCLUSIONS

Persons with documented disabilities are not entitled to receive accommodations that would fundamentally alter the job, class or activity, or that would excuse performance of the essential functions of a job or essential components of a class or activity.

Temporary, non-chronic impairments, medical conditions (including pregnancy), illnesses and injuries are not disabilities covered under the terms of this policy.

The university is not obliged to grant specific requested accommodations if other reasonable accommodations may suffice to give the requestor equal opportunity and access.

Individuals who pose a direct threat to the safety and health of others are not protected under the law or this policy, and are not entitled to receive accommodations.

Individuals who are not disabled, but who are regarded as having a disability, are not entitled to accommodations.

Use of illegal drugs, or misuse of drugs or alcohol is not protected activity, and such activity will not be considered as an accommodation.

10. INTERPRETATION

The authority to interpret this policy rests with the president, and is generally delegated to the director of human resources.

Previous version: January 2010

Approved by the President: January 2007