

**Americans with Disabilities Act (ADA)
BU-PP 415**

Policy

The Americans with Disabilities Act of 1990, as amended (ADA) and Baylor University policy prohibit discrimination in employment against qualified individuals with disabilities.

Topics

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Related Policies

[BU-PP 002 – General Employment Policy](#)
[BU-PP 028 – Civil Rights Policy](#)
[BU-PP 037 – Whistleblower Policy](#)
[BU-PP 408 – Family and Medical Leave Act \(FMLA\)](#)

Additional Information

[BU-PP 415a Accommodation Request Form](#)
[BU-PP 415b Medical Information Form](#)

Contact

Human Resources at 254-710-2000 or askHR@baylor.edu

Scope of Policy —

It is the policy of Baylor University to provide reasonable accommodations¹ when necessary. If approved, these accommodations must be made in a timely manner and on an individualized and flexible basis.

It is generally the responsibility of individual employees to identify themselves as an individual with a disability when seeking an accommodation. It is also the responsibility of individual employees to document their disability (from their health care provider) and to demonstrate how the disability limits their ability to complete the essential functions of their job. Medical documentation will be kept confidential.

Employees must maintain institutional standards of performance, either with or without the reasonable accommodation.

Employee Accommodation Request Procedures —

1. To request an accommodation under the ADA, employees should complete and submit the [Accommodation Request Form](#) and the [Medical Information Form](#) to Human Resources (HR).
2. Upon receipt of the Accommodation Request Form from the employee and the Medical Information Form from the Health Care Provider, HR will review the request. Once the request has been reviewed, HR will then contact the employee to schedule a meeting to further discuss their needs. During the initial discussion, two things will be accomplished:
 - a. HR will determine if additional documentation from a health care provider or other third party is needed to support the employee's request for accommodation.
 - b. The responsibilities of the university and the employee throughout the process will be determined based on the information collected.

3. After reviewing the documentation and the facts of each request, HR will determine if the employee is eligible for accommodations under the ADA.
4. HR will review the essential and secondary functions of the job, the functional limitations of the disability, and the reasonableness of an accommodation. HR will review the suggested accommodation. If the request is unable to be satisfied due to an undue hardship² or a direct threat³, an alternative accommodation would need to be considered. HR would then facilitate a discussion with the employee and other appropriate parties which could include the immediate supervisor or other department heads. If the accommodation is able to be satisfied as requested, HR will work with necessary parties to coordinate its implementation.
5. HR may seek advice from third party experts when necessary. Any documentation pertaining to this request, including medical records, shall be retained in a file separate from the personnel file, and will be kept confidential.
6. At the end of the interactive process, the University will determine if a reasonable accommodation will be granted or denied. The decision will be communicated to the employee and to the department both verbally and in written form.
7. The employee is responsible for contacting HR if the reasonable accommodation is not implemented in an effective and timely manner. HR will then take the appropriate steps to ensure that the accommodation is fully implemented.
8. Baylor reserves the right to recertify the qualified disability with the employee's health care provider and/or follow-up with the employee and possibly others within the department or building regarding the accommodation. If recertification or follow-up is determined to be necessary, the employee will be notified in writing of the timing of such.
9. Should the employee desire to appeal a request for accommodation that was denied, he or she should follow the normal University Grievance Process (BU-PP 822)

Useful Terms —

1. Reasonable Accommodation – A reasonable accommodation as defined by the act is one that does not cause undue hardship on the operation of a business
2. Undue Hardship – An accommodation that is “excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business.” In determining undue hardship, Baylor will consider factors such as nature and cost of accommodation, as well as the impact on the accommodation on the specific department providing the accommodation.
3. Direct Threat – A direct threat is a health or safety risk to either the employee or to others. A health or safety risk is one that is a significant risk of substantial harm. An assessment of a direct threat will be strictly based on valid medical analyses and/or other objective evidence and will not be based on speculation.
4. Disability – 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 record of such an impairment; or
 - (C) being regarded as having such an impairment
5. Major Life Activities – 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. Additionally, 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.

Examples of Accommodations include, but are not limited to:

- making existing facilities used by employees readily accessible to, and usable by, an individual with a disability
- job restructuring
- modifying work schedule
- reassignment to a vacant position
- acquiring or modifying equipment or devices
- adjusting or modifying examinations, training materials, or policies
- providing qualified reader or interpreter