

Disability Accommodation**Policy Statement**

It is the policy of the University of Arkansas (University) to provide equal access and opportunity to qualified persons with disabilities in compliance with Section 503 and 504 of the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act (ADA) of 1990; and the ADA Amendments Act (ADAAA) of 2008. The University prohibits discrimination based on disability in all aspects of the application process and employment relationship.

Scope

This policy applies to all employees and applicants for University employment. University of Arkansas students with disabilities should contact the University of Arkansas' Center for Educational Access to register and request accommodations needed for equal access to the University's educational programs.

Contact information is as follows:

Center for Educational Access
104 ARKU University of Arkansas
Fayetteville, AR 72701
(479) 575-3104 (office)
(479) 575-7445 (fax)
(479) 575-3646 (tdd)
ada@uark.edu

A student who believes that he or she has been subjected to discrimination on the basis of disability or has been denied access or accommodations required by law should consult the University's Section 504/ADA Student Grievance Procedure, which is available at:
<http://cea.uark.edu/grievanceprocedure.php>.

Definitions

Applicant: Any individual pursuing employment with the University by submitting appropriate application materials for a specific, vacant position.

Employee: Any individual employed by the University.

Disability: A physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.

Qualified Individual with a Disability: An individual who possesses the requisite skills, education, experience and training for a position, and who can, with or without reasonable accommodation, perform the essential functions of the position the individual desires or holds.

Substantial Limitation (Substantially Limiting): An impairment that restricts the ability to perform a major life activity as compared to most people in the general population.

Reasonable Accommodation: A modification or adjustment to the job application process or the work environment that enables a qualified person with a disability to be considered for a position, perform the essential functions of a position, or enjoy the same benefits and privileges of employment as are enjoyed by similarly situated applicants or employees without disabilities.

Examples of reasonable accommodations include, but are not limited to:

- Job Restructuring
- Part-time or modified work schedules
- Acquisition or modification of equipment or devices
- Adjustment or modification of training materials
- Providing qualified readers or interpreters

Undue Hardship: An accommodation or action requiring significant difficulty or expense when considered in light of factors such as the University's size, financial resources, and the nature of its structure or operation. Undue hardship also refers to an accommodation that that is unduly extensive, substantial, or disruptive, or one that would fundamentally alter the nature of the position the individual desires or holds.

Procedures - The Process

Step One: Request

It is the responsibility of the applicant or employee to inform appropriate University representatives if an accommodation for a disability may be needed in order to complete the University's application process or to perform essential job functions, or to receive equal benefits and privileges of employment.

Applicants. Applicants for employment can request an accommodation for the application process or may seek a workplace accommodation after the offer of employment. Requests for accommodation can be made to the hiring Dean, Department Head, Director, or supervisor, or by contacting the ADA Coordinator, who is the Compliance Officer in the Office of Equal Opportunity and Compliance (OEOC) at (479) 575-4019 (voice), (479) 575-3646 (tdd), or titlevii@uark.edu. A Dean, Department Head, Director or supervisor who receives a request for accommodation from an applicant should immediately contact the ADA Coordinator for assistance in processing and responding to the request.

Employees. Employees who desire a workplace accommodation can initiate the accommodation process by requesting an accommodation from his or her Dean, Department Head, Director or supervisor, or by contacting the ADA Coordinator in the Office of Equal Opportunity and Compliance (OEOC) at (479) 575-4019 (voice), (479) 575-3646 (tdd), or titlevii@uark.edu. A Dean, Department Head, Director or supervisor who receives a request for accommodation from an employee should immediately notify the ADA Coordinator for assistance in processing and responding to the request.

To expedite the process, requests can be made by completing the University's Reasonable Accommodation Request form (which is available to download at oeoc.uark.edu).

Step Two: Discussion

Upon receipt of an accommodation request from an applicant or employee, the ADA Coordinator, in coordination with other appropriate University officials, will engage in an interactive process to determine, first, if the individual's medical condition meets the ADA definition of "disability" and, then, to identify a range of possible accommodations which would allow the applicant or employee to participate in the University's hiring process or perform the essential functions of the job. The process will involve discussion with the applicant or employee and may require supportive information from his or her health care provider.

For a current employee, the process may further require, in appropriate cases, the ADA Coordinator verifying the disability for the requested accommodation and asking the Dean, Department Head, Director or supervisor to identify the essential functions of the job. After determining the employee has a covered disability under the law, the ADA Coordinator will engage in or facilitate discussions regarding an accommodation with the employee and the employee's Dean, Department Head, Director or supervisor.

Step Three: Documenting the Disability

When a disability and need for accommodation is obvious, after receipt of a request for accommodation by an applicant or employee, no further medical information will be requested. However, in situations where the impairment, the degree of the impairment, or the major life activity affected by the impairment are non-apparent, the applicant or employee may be required to provide the ADA Coordinator with adequate documentation from a qualified health care professional confirming his or her disability. Generally, reasonable accommodations will not be provided prior to the receipt of adequate documentation. The adequacy of the documentation may vary depending on the nature and extent of the disability and the accommodation requested, but should address at least the following:

- a. The specific impairment(s) causing the disability;
- b. The major life functions or activities affected by the impairment(s);
- c. The degree of limitation to those functions and activities caused by the impairment;
- d. Any recommendation regarding a reasonable accommodation for the disability.

After receiving documentation from the health care professional, the ADA Coordinator will review the medical information to determine its adequacy. If the information provided is incomplete, unclear or inconsistent, the ADA Coordinator may request that additional or clarifying information be provided from the health care professional.

In the event the ADA Coordinator determines it is appropriate to obtain an independent medical opinion concerning the impairment for which the accommodation is sought, the University will bear the cost of the independent medical evaluation. Failure to cooperate in obtaining an independent medical evaluation may result in cancellation of the request for accommodation.

Step Four: Evaluation and Determination

Reasonable accommodations are determined following a case-by-case assessment of each request. The ADA Coordinator will determine if the applicant or employee has a disability, as

defined under the law. Unless apparent, the determination shall be made after receipt and review of adequate documentation from a health care professional.

Applicants. When it is determined that an applicant has a disability that is covered under the law, the ADA Coordinator will work with the applicant and appropriate hiring officials to make accommodations to the hiring process.

Employees. When it is determined that an employee has a disability that is covered under the law, the ADA Coordinator will work with the employee and the employee's Dean, Department Head, Director or supervisor to identify and discuss accommodations that will enable the employee to perform the essential functions of his or her job and/or enjoy the same benefits and privileges as similarly situated employees without disabilities.

Confidentiality

Any records of information obtained by the ADA Coordinator as part of the accommodation process that reflect diagnosis, evaluation, or treatment of an applicant's or employee's medical or mental health condition are confidential and shall be maintained in a separate file. Such records will be shared only with those University employees who have a need to know in order to implement the accommodation process and will not be released except as required by law.

Complaint Procedure

Any applicant or employee who believes that he or she has been denied a reasonable accommodation, discriminated against or harassed on the basis of disability, or retaliated against due to an accommodation request, may seek a review by the University's ADA Coordinator in the Office of Equal Opportunity and Compliance (OEOC) at (479) 575-4019 (voice), (479) 575-3646 (tdd), or titlevii@uark.edu. Any supervisor or other administrator who receives a written or oral complaint of disability discrimination, harassment or retaliation shall notify the Compliance Officer in the Office of Equal Opportunity and Compliance.

September 9, 2014