

Policy Title: Reasonable Accommodations for Individuals with Disabilities

Policy Category: Administration and Operations

Policy Owner: Administration and Operations

Review Period: Two years

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Summary

Drake University is committed to providing a welcoming and enriching experience and environment for people with disabilities by making reasonable accommodations in employment, education, activities, and programs on campus.

Purpose

To comply with federal, state, and local laws regarding accommodation of qualified individuals with disabilities and public access to university events and activities. In addition, this policy is intended to further the University's commitment to a diverse campus by creating an environment where employees and students have equal opportunity to fully participate in and enjoy the benefits of their work and their studies and related activities.

Scope

This policy applies to all qualified Drake University employees, applicants for employment, students, and applicants for admission with covered disabilities. This policy will be followed in all buildings, programs, and activities under control of the University.

Policy

Drake University prohibits unlawful discrimination against employees, applicants for employment, students, and applicants for admission based on disability. This expectation includes the commitment to making reasonable accommodations for qualified individuals with disabilities.

In most situations, it is the responsibility of the individual to notify the University of the need for an accommodation due to a disability. When a request for accommodation is made, it is the responsibility of Student Disability Services or Human Resources to determine whether the individual is a qualified individual with a disability eligible for accommodation – faculty and staff shall not make this determination. The individual with a disability and the University are expected to engage in an interactive process to determine an appropriate and reasonable accommodation. Reasonable accommodations are prospective, not retroactive, and will not generally reverse performance or behavioral concerns that arose prior to the requested accommodation.

The University may not provide every, or the exact, accommodation the individual wants if other reasonable accommodations would be effective. Reasonable accommodations do not include eliminating essential job functions, fundamentally altering a program or course of study, and/or an accommodation which constitutes an undue hardship/burden for the University. Additionally, personal

use devices or services such as personal attendants, individually prescribed hearing aids and wheelchairs, or readers for personal use or study are generally not considered reasonable accommodations and therefore will not be provided by the University.

The University may request reasonable documentation substantiating the disability and the individual's functional limitations due to the disability. Any medical information and documentation will be maintained as confidential.

Employees and Applicants for Employment

Employees with covered disabilities who are otherwise qualified may request reasonable accommodations in order to carry out the essential functions of their work with the University. In most situations, it is the employee's responsibility to request accommodations and initiate the interactive process. In the course of the interactive process, the employee and the University will determine if the employee can be reasonably accommodated without eliminating an essential function of the job or causing an undue hardship on the University. The University has adopted procedures for employees seeking reasonable accommodation due to a disability.

Qualified applicants for employment may request reasonable accommodations to participate in the application process. In most situations, it is the applicant's responsibility to request accommodations and initiate the interactive process. In the course of the interactive process, the applicant for employment and the University will determine if the employee can be reasonably accommodated in the application process without causing an undue hardship on the University. The University has adopted procedures for applicants seeking reasonable accommodation due to a disability.

Under federal law, the University may deny a particular accommodation, take employment action, or deny employment benefits (including hire) if the employee or applicant for employment presents a direct threat to the health or safety of the individual or others which cannot be eliminated or reduced by a reasonable accommodation. The determination of whether the employee or applicant for employment is a direct threat will be made through Human Resources and will be based on individualized assessment of whether the employee or applicant for employment can safely perform the essential functions of the job. The assessment is based on objective, factual evidence, and considers the duration of the risk, nature and severity of the potential harm, the likelihood of the harm, and the imminence of the potential harm.

Students and Applicants for Admission

Students with covered disabilities who are otherwise qualified to enroll and participate in the University's programs, services, and activities, including admission, student-employment, and travel programs, may request reasonable accommodations for participation. In most situations, it is the student's responsibility to request accommodations and initiate the interactive process. In the course of the interactive process, the student and the University will determine if the student can be reasonably accommodated without fundamentally altering the nature of an academic course or program, or otherwise causing an undue burden on the University. The University will engage in a deliberative process for determining whether a requested accommodation would fundamentally alter a course or academic program or result in an undue burden. This process, and the decision and supporting reasons,

will be fully documented. The University has adopted procedures for students seeking reasonable accommodation due to a disability.

Qualified applicants for admission with disabilities may not, unlawfully on the basis of a disability, be denied admission or be subjected to unlawful discrimination in admission or recruitment activities. In most situations, it is the applicant's responsibility to request accommodations and initiate the interactive process. In the course of the interactive process, the applicant and the University will determine if the student can be reasonably accommodated without causing a fundamental alteration or otherwise causing an undue burden on the University. The University has adopted procedures for applicants seeking reasonable accommodation due to a disability.

Under federal law, the University may deny a particular accommodation or participation in educational courses of study and/or other benefits of University programs, services, and activities, including admission, student-employment, and travel programs, if a student or applicant for admission poses a direct threat to the health or safety of others. The determination of whether there is a direct threat will be made through Student Disability Services and will be based on an individualized assessment. The assessment is based objective, factual evidence, and considers the nature, duration, and severity of the risk, the probability of potential injury, and the imminence of the potential harm. The University will also consider whether a risk can be eliminated or reduced to an acceptable level with a reasonable modification of policies, practices, procedures, or provision of auxiliary aids and services. Any service or activity available to the general student population will also be made available to qualified students with disabilities, unless the availability of the service or activity causes an undue burden or will fundamentally alter the nature of the service or activity. Such availability includes, but is not limited to, the following kinds of services and activities: campus housing, health services, insurance, academic, career and personal counseling, testing services, financial aid, scholarships, student employment, placement services, orientation, registration, library access, tutoring, recreation, intramurals, intercollegiate athletics, food services, student activity programs, student organizations, campus parking, commencement, choral and drama groups, travel programs, and other cultural and social programs and activities.

Generally students are expected to follow established classroom attendance policies. However, some disabilities are episodic, and students may have to miss class as a result of disability-related medical issues. In most cases attendance is fundamental to course objectives. For example, students may be required to think and argue critically or to participate in group or laboratory projects. In some instances faculty may determine that a student can master course content despite the student's absences. Because attendance is usually integral to the learning process at Drake, the faculty of the respective college, at the departmental or individual level, sets these policies. Adjustments to those policies may be addressed on an individualized basis using the interactive process.

Buildings and Facilities

All campus buildings and facilities are to be accessible to the extent that barrier removal is readily achievable. In situations where a particular service, course, lab, program, event, or activity may be scheduled in a location that is inaccessible to a qualified individual with a disability, the University will use readily achievable alternative methods for accessibility, including relocating an event or service to an accessible location so as not to deny access. The qualified individual is responsible for making

accessibility needs known to the University far enough in advance to allow reasonable time for alternative methods such as relocation. The University has adopted procedures for individuals seeking to submit an accessibility request due to a disability.

Animals

The University allows for service and assistance animals on campus as required under state and federal law. Employee or student use of such an animal as a form of accommodation is addressed in the Service and Assistance Animals, Animal Mascots, and Pets Policy.

Grievances and Reconsideration

If a qualified individual with a disability disagrees with the provision or denial of a requested accommodation after following the established procedures to request accommodations, the individual may seek further review of that decision. For academic accommodations, students or faculty members may use the Grievance Process Regarding Academic Accommodations. For employment accommodations, an employee or applicant may seek reconsideration and administrative review of the accommodation request. For any other complaints or concerns over reasonable accommodations, please refer to the Non-Discrimination Statement. These documents can be found on the Policy Library page for the Reasonable Accommodations Policy.

Definitions

Direct Threat: For employees or applicants for employment, a “direct threat” means a significant risk of substantial harm to self or others. For students or applicants for admission, a “direct threat” means a significant risk of substantial harm to others.

Disability: Not every medical condition is protected by the law as a disability. Disability means:

- The person has a physical or mental impairment that substantially limits one or more major life activities;
- The person has a record of such an impairment (such as cancer that is in remission); or
- The person is “regarded as” having such an impairment, meaning the individual has been treated as disabled because the individual has an actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity. This does not apply to perceived impairments that are minor or transitory (six months or less in duration). However, an individual who is only “regarded as” having an impairment is not entitled to reasonable accommodations for the perceived disability.

Essential functions: For employees or applicants for employment, essential functions are the fundamental job duties that a person must be able to perform with or without the help of a reasonable accommodation. Factors to consider in determining if a function is essential include: whether the reason the position exists is to perform that function; the number of other employees available to

perform the function or among whom the performance of the function can be distributed; and the degree of expertise or skill required to perform the function.

Fundamental alteration: For academic accommodations, an accommodation that a faculty member believes will compromise the academic integrity of the course and/or program by significantly changing the course, program, or experience.

Major life activity: Major life activities include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, working, interacting with others, and communicating. Also included are major bodily functions, such as the functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Qualified individual with a disability: A qualified individual with a disability is someone who satisfies the requisite skill, experience, education, and other job-related or academic related requirements to otherwise participate as an employee or student at the University. A qualified employee with a disability is an individual with a disability who can perform the essential functions of the position the individual holds or desires, with or without reasonable accommodation. A qualified student with a disability is an individual with a disability who meets the academic and technical standards requisite to admission or participation in the education program or activity, with or without reasonable accommodations.

Readily achievable: Easily accomplishable and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include the nature and cost of the action needed, the financial resources of the University or Department, the impact on expenses and resources (including safety requirements), and the geographic location of the site or site(s) in questions.

Reasonable accommodation:

For employees, a reasonable accommodation is any modification, change, or adjustment to a job or the work environment or the manner in which a job is performed that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

For students, a reasonable accommodation is a change or adjustment to the education environment necessary to afford a student or applicant with a disability an equal opportunity to participate in an educational program or activity. Reasonable accommodations might include the provision of academic adjustments or auxiliary aids and services, such as modified texts, note takers, interpreters, readers, policy/program modifications, and specialized computer equipment.

Substantially limits: Substantial limitation is an individualized inquiry, but generally takes into account the effect of the individual's disability in comparison to most people or other students in the general

population. An impairment need not prevent, or significantly or severely restrict, the individual from performing a major life activity in order to be considered substantially limiting.

Under federal law, the determination of whether an impairment substantially limits a major life activity is made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics, hearing aids, mobility devices, or oxygen therapy equipment and supplies, etc. Under Iowa law, such mitigating measures can be considered when determining substantial limitation.

Undue hardship/burden: Undue hardship or burden means that an accommodation would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature or operation of the organization. Among the factors to be considered in determining whether an accommodation is an undue hardship are the nature and cost of the accommodation, and the overall size, financial resources and the nature and structure of a department's operation.