



Disability Accommodation Policy for Staff and Faculty

1. POLICY STATEMENT SUMMARY

Bucknell University is committed to providing an inclusive learning and working environment for all students, staff, faculty and guests to our campus, consistent with the University's Notice of Nondiscrimination. To ensure appropriate access for employees and prospective employees with disabilities, Bucknell University will provide reasonable accommodations to enable applicants applying for staff and faculty positions to participate in the application process and to assist staff and faculty members, once hired, in performing the essential functions of their positions.

2. SCOPE

This policy applies to all University staff and faculty members and to applicants to University staff and faculty positions.

3. OBJECTIVE

The purpose of this policy is to outline an employee's (or prospective employee's) rights and responsibilities in accordance with state and federal laws and regulations, including the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 ("ADA") and the ADA Amendments Act of 2008 ("ADAAA"). The ADA and the ADAAA are federal laws that require employers with 15 or more employees to prohibit discrimination against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations so that they may perform the essential job duties of the position. It is the policy of Bucknell University to comply with all federal and state laws concerning the employment of individuals with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission ("EEOC"). Furthermore, it is University policy to not discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

Bucknell University provides reasonable accommodations for qualified employees who have a disability or impairment as defined by the ADAAA. In determining which accommodations are "reasonable," the University and the employee have a mutual obligation to engage in a good faith interactive process to explore and discuss options for reasonable modifications. Reasonable accommodations are provided when an employee identifies oneself as a qualified individual with a covered disability and provides the appropriate documentation from a healthcare provider.

4. DEFINITIONS

Disability	A physical or mental impairment that substantially limits one or more major life activities. Said impairment prevents the bodily or mental functions or is demonstrable by accepted clinical or laboratory diagnostic techniques. Disabilities must be documented by a healthcare provider.
Major Life Activities	Includes activities such as taking care of oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.
Major Bodily Functions	Includes physical or mental impairment such as any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory, cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. Also covered are mental or psychological disorders, such as intellectual disability, organic brain syndrome, emotional or mental illness and specific learning disabilities.
Perceived as or with a Record of a Disability	An individual may not be discriminated against as a result of that individual's: <ul style="list-style-type: none"> • physical or mental impairment; • record of such impairment; or, • being regarded as having such impairment.
Qualified Individual with a Disability	A qualified employee with a disability is an individual who meets the requirements for the position and who can, with or without reasonable accommodation, perform the essential functions of the job in question. The employee's disability must be a diagnosable condition that a healthcare provider will certify. Personal belief or subjective reports provided by the employee are insufficient.
Essential Functions	The term "essential functions" identifies the fundamental job duties of the employment position that the individual with the disability

	<p>holds or desires. The term does not include the marginal functions of a position. A job function may be considered “essential” for any of several reasons, included but not limited to the following:</p> <ul style="list-style-type: none"> • The function may be essential because the reason the position exists is to perform that function; • The function may be essential because of the limited number of employees available among whom the performance of that job can be distributed; and/or, • The function may be highly specialized so that the incumbent in the position is hired for that individual’s expertise or ability to perform the particular function.
Reasonable Accommodation	<p>A reasonable accommodation is a modification or adjustment made to enable a qualified employee with a disability to perform the essential functions of a job. The modification or adjustment can be made to a job-related activity, an employment practice or the work environment. Depending on the specific circumstance and the documentation received, accommodations may include:</p> <ul style="list-style-type: none"> • Acquisition or modification of equipment or devices, adjusting or modifying examinations, training materials or policies; • Modified work schedules; • Making existing facilities readily accessible to and usable by persons with disabilities; • Consideration for transfer or reassignment; and/or • Other similar accommodations.
Interactive Process	<p>The interactive process is the informal, confidential dialogue between the University and the employee in an effort to identify reasonable accommodations.</p>
Undue Hardship Exception	<p>The University is required to make a reasonable accommodation for a qualified employee with a disability if it would not impose an “undue hardship” on the operation of the University’s business. “Undue hardship” is defined as an action that would be unduly burdensome, including when there is:</p> <ul style="list-style-type: none"> • Potential for significant difficulty or expense to be incurred by the University with respect to the provision of a reasonable accommodation; and/or

	<ul style="list-style-type: none"> • Undue, costly, extensive, substantial or disruptive impact that would fundamentally alter the nature and structure of the operation where the employee is currently working.;
Retaliation	<p>Retaliation occurs when a person takes adverse or otherwise detrimental action against another employee because the employee has:</p> <ul style="list-style-type: none"> • Requested or assisted another in requesting accommodations, or made a complaint or assisted another in making a complaint about disability discrimination. • Otherwise engaged in behavior protected by the ADA, state law or University policies. <p>Retaliation will not be tolerated.</p>

5. PROCEDURE TO REQUEST REASONABLE ACCOMMODATION

Making a Request for Reasonable Accommodation

An employee who wishes to request a reasonable accommodation must:

- (1) Complete a Reasonable Accommodation Request Form (*hyperlink*) to include a medical release form*; or,
- (2) Contact the Human Resources office to verbally request an accommodation. Human Resources can provide you with a Reasonable Accommodation Request Form and provide guidance in its completion.

**The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the University asks that employees and healthcare providers refrain from providing any genetic information when responding to a request for medical information. "Genetic Information" as defined by GINA includes an individual's family medical history, the results of an individual's or individual's family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.*

Determination of a Disability

After the initial request for accommodation is submitted, a determination is made by Human Resources as to whether the employee has a disability as defined by applicable federal and state laws. The employee may be required to submit medical documentation to substantiate the request. Submitted documentation will be confidentially maintained in a file separate from the employee's personnel file. Human Resources may consult with appropriate University representatives or other internal and external resources to determine if the condition meets the definition of disability as defined by applicable federal and state laws.

If the employee's condition is determined to not be a disability as defined by applicable federal and state laws, the employee will be notified that the request is denied.

Interactive Process

The interactive process occurs after the employee's condition is determined to be a disability as defined by applicable federal and state laws. The exact nature of the dialogue will vary. In some instances, both the disability and the type of accommodation required is obvious, thus there may be little or no need to engage in prolonged discussion. In other situations, the University may need to ask questions concerning the nature of the disability and the individual's functional limitations in order to identify an effective accommodation. While the individual with a disability does not have to be able to specify the precise accommodation, he or she does need to describe the problems posed by the workplace barrier. Additionally, suggestions from the employee may assist the University in determining the type of accommodation to provide. Human Resources may consult with appropriate University representatives or other internal and external resources to help identify reasonable accommodations.

Documentation of Disability

The University may require that a request for reasonable accommodation be supported by documentation. If required, the employee will be provided with a Request for Documentation of Physical/Mental Health Condition or Disability form. The employee may also be provided with information that identifies the essential functions of the position. The employee has the responsibility to submit this form and information to the health care provider. The employee also has the responsibility to ensure that the healthcare provider completes and returns the form to the University in a timely manner.

RESPONSIBILITIES

- a. Staff/Faculty Members – Staff/Faculty members who desire a disability-related workplace accommodation shall initiate requests consistent with this policy, complying with all necessary requests for documentation.
- b. Supervisors/Department Chairs – Supervisors/Departments Chairs shall immediately notify Human Resources regarding any known or reasonably suspected staff/faculty accommodation request or need. Supervisors/Department Chairs shall also implement accommodations approved by (and only when approved by) Human Resources, maintain confidentiality with respect to an accommodation, and monitor any

interactions with the requesting individual to ensure the individual's right to non-discrimination (including retaliation).

- c. Human Resources – Human Resources (“HR”) shall provide guidance relating to the employment provisions and employer obligations of applicable state and federal laws and regulations such as the Rehabilitation Act of 1973, the ADA and the ADAAA. To that end, HR shall:
 - i. Review and coordinate requests for reasonable accommodations based on disability status;
 - ii. Oversee the reasonable accommodation process for all employment-related requests (student requests shall be managed by the Office of Accessibility Resources);
 - iii. Determine what type of medical documentation is necessary to assist in the determination of a reasonable accommodation;
 - iv. In consultation with the supervisor, department, other internal offices and external resources as necessary, decide what, if any, type of accommodation is appropriate and effective; and,
 - v. Provide staff/faculty member with written notification of the determination. Please note that HR determines which accommodation(s) to provide based on what will effectively allow the employee to perform the essential functions of their job, not necessarily based on the employee's personal preferences.

6. CONFIDENTIALITY

All University parties involved in the determination of a request for reasonable accommodation bear a responsibility to keep disability-related medical information confidential, and to share such information on a need-to-know basis only. All materials related to a staff/faculty member's disability shall be placed in a file separate from the personnel file.