

**Policy 1331  
Disabilities & Reasonable Accommodations**

**Date of Current Revision: November, 2008**

**Primary Officer Responsible: Director of Human Resources**

**Secondary Officers Responsible: Directors of Equal Opportunity and Disability Services**

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**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 accommodations.

**2. AUTHORITY**

The Americans with Disabilities Act (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. James Madison University is obliged to provide reasonable accommodations to enable qualified individuals with documented 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.

**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-sponsored 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 offered. 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) affected, the functional limitations of the disability, and the prognosis. The professional may also make suggestions regarding the accommodations being requested. Specific guidelines for the documentation of a documented disability can be found [here](http://www.jmu.edu/humanresources/ada.shtml).  
(<http://www.jmu.edu/humanresources/ada.shtml>)

**Essential function:**

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

**Employment practices:**

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

**Faculty member:**

A member of the Instructional or Administrative & Professional Faculty.

**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.

**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 life activity:**

A key function of life, such as seeing, hearing, walking, caring for oneself, working, learning, etc.

**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.

**Staff:**

A member of the classified staff is a full-time employee working in a job that is under one of the Commonwealth's job role classifications.

**Wage employee:**

As defined by the Commonwealth, a wage employee is a part-time, temporary, or seasonal employee who is limited to working no more than 1500 hours in any 365-day period.

**4. APPLICABILITY**

This policy applies to all university visitors, students and employees.

**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.

**6. PROCEDURES**

The Disability Resources Committee website provides a listing of the steps required to apply for reasonable accommodations for a documented disability. The website is located [here](#).

**6.1 Determination**

Final determination of reasonable accommodations rests with the university.

## **6.2 Confidentiality**

1. Information about an employee's documented disability will be kept in a 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 Human Resources, the Office of Equal Opportunity, or Disability Services has been informed of a person's documented disability and request for accommodations, the person'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.
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 Disability Services has been informed of a student's documented disability and request for accommodations, the student's faculty members and academic administration may be notified and brought into the discussion so that any accommodation request can be coordinated through the supervisor and academic administration.
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 Office of Equal Opportunity 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.

## **6.3 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 Office of Equal Opportunity, Disability Services, 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 the Office Equal Opportunity, Disability Services, and Human Resources. The Committee can be accessed by contacting one of the following:

Office of Equal Opportunity – 568-6991  
Disability Services – 568-6705  
Human Resources – 568-3825

## **6.4 Complaint Procedures**

For procedures on filing a complaint of disability discrimination or failure to grant a reasonable accommodation, please refer to Policy #1329 – Disability Discrimination Complaint Procedure.

## **7. RESPONSIBILITIES**

7.1 An employee is responsible for informing either his or her supervisor or the Human Resources Department (HR) of his or her need for accommodations for a disability. The employee is also responsible for providing appropriate documentation for the claimed disability, and for cooperating with the university in attempting to reach an agreement on a reasonable accommodation. If an accommodation is granted, the accommodation will be reviewed annually by HR to determine whether updated documentation is needed and whether the accommodation is still appropriate and sufficient.

7.2 A student is responsible for informing Disability Services (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 coming onto 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. He or she may also be responsible for providing appropriate documentation of the disability to the Office of Equal Opportunity, if requested, and for cooperating with the university in attempting to reach an agreement on a reasonable accommodation.

7.4 Disability Services (ODS) is responsible for processing requests for disability accommodations from students. See the ODS for procedures and details at <http://www.jmu.edu/disabilityser/index.shtml>.

7.5 The Human Resources Department (HR) is responsible for processing requests for disability accommodations from employees. See HR for procedures and details [here](#).

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

7.7 Any responsible university representative who receives a request for an accommodation should contact OEO, ODS or HR for assistance.

7.8 Faculty members are responsible for providing reasonable accommodations to students. Faculty 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.

7.9 Supervisors who receive disability accommodation requests from employees must immediately consult with the HR Department, 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.

7.10 Normally particular departments or divisions are responsible for the costs associated with making reasonable accommodation for employees and students, although extraordinary costs for reasonable accommodations 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. Persons with documented disabilities are held to the same standards of conduct as other employees, students, or visitors, and a disability will not serve as an excuse for misconduct.

Temporary medical conditions, illnesses or injuries are not 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.

## **10. INTERPRETATION**

The authority to interpret this policy rests with the President, and is generally delegated to the Director of Human Resources and the Director of Disability Services.

Previous version: October, 2008

Approved by the President: January, 2007

### **Index of Terms**

Accommodation

Americans with Disabilities Act (ADA)

Disabilities

Disabilities Resources Committee

Rehabilitation Act

Section 504

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