

Policy 1331

Reasonable Accommodations for Individuals with Disabilities

Date of Current Revision: May 2025

Primary Responsible Officer: Director of Human Resources

Secondary Responsible Officers: Director of Disability Services and Director of Equal Opportunity

1. PURPOSE

JMU is committed to providing equal access to university employment, education, programs, services, and activities for qualified individuals with disabilities. JMU recognizes that individuals with disabilities may need reasonable accommodations to have equal access and shall adhere to all applicable laws with respect to providing reasonable accommodations. This policy develops the framework for the university's provision of reasonable accommodations.

2. AUTHORITY

The board of Visitors has been authorized by the Commonwealth of Virginia to govern James Madison University. See Code of Virginia § 23.1-1600; § 23.1-1301. The board has delegated the authority to manage the university to the president.

STATE OR FEDERAL STATUTE AND /OR REGULATION

Americans with Disabilities Act of 1990 (ADA), as amended, (42 USC §12131 et seq., 28 CFR Part 35); Rehabilitation Act of 1973, as amended (29 USC §701 et seq.); Fair Housing Act (42 U.S.C. §§ 3601 - 3619); Code of Virginia Title 51.5, Chapter 9.

3. DEFINITIONS

Disability

This policy, in alignment with the ADA and the Rehabilitation Act of 1973, define disability with respect to an individual as:

- a physical or mental impairment that substantially limits one or more major life activities or major bodily functions;
- a record of such an impairment; or
- being regarded as having such an impairment.

Essential Functions

Essential functions are job duties that are fundamental to the job position that the individual holds or for which the individual is an applicant. Essential functions do not include marginal functions, which are those job duties that are less important or critical to the success or failure of a specific position.

Fundamental Alteration

A circumstance in which an accommodation would modify an essential academic requirement, as determined by a deliberative body through an appropriate process.

Interactive Process

A flexible information-gathering approach centered on communication used by the university with the individual with a disability to evaluate a request for accommodation. In addition to communication between the university and individual, this may involve obtaining relevant information from a university supervisor/instructor/other relevant employee and the individual's healthcare provider.

Reasonable Accommodation

With regard to employees and applicants: any change in the workplace or in the way things are customarily done that provides an equal employment opportunity to an individual with a disability.

With regard to students: such modifications to academic requirements, policies, practices, or procedures as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of disability, against a qualified student with a disability.

Undue Burden/Undue Hardship

A circumstance in which an accommodation would require significant difficulty or expense and focuses on the resources and circumstances of the university in relationship to the cost or difficulty of providing a specific accommodation. This accommodation may create financial difficulty, or may be unduly extensive, substantial, disruptive, or would fundamentally alter the nature or operation of the university.

Qualified

An individual with a disability is qualified for the position held or applied for if the individual (1) satisfies the requisite skill, experience, education, and other job-related requirements of the position; and (2) can perform the essential functions of the position, with or without reasonable accommodation.

4. APPLICABILITY

This policy applies to all members of the university community, including applicants, employees, students, affiliates, visitors, vendors, and contractors to the university. This policy applies to all levels and areas of university operations, programs, and activities, including employment matters and student matters.

5. POLICY

Qualified individuals with disabilities shall be provided reasonable accommodations to afford equal access to university employment, education, programs, services, and activities in accordance with applicable law and pursuant to this policy.

6. PROCEDURES**6.1 Authorized Offices**

The following offices are authorized by the university to determine reasonable accommodations through the interactive process and, in collaboration with relevant campus partners, develop plans for the provision of such accommodations as listed in this policy. Inquiries or requests for reasonable accommodations for disabilities may be directed to these offices or individuals. The

nature of the request determines which office should be contacted. Office-specific procedures are posted online with that department.

- **Human Resources**: employees and applicants for employment regarding job specific and related accommodations
- **Office of Disability Services**: students and applicants for student admission; this includes students participating in on-campus housing and paratransit
- **Office of Equal Opportunity**: for event planners and sponsors regarding questions about public accommodations and obligations for visitors.
- **Event Coordinator**: members of the campus community and/or the public attending an activity or event at the university
 - The **JMU Master Events Calendar** is a resource helpful for determining an event's coordinator.
 - Event coordinators and planners may also contact OEO for questions.
- **Parking and Transit Services**: requests related to parking
- Additionally, the university provides a **[general information page for requesting reasonable accommodations](#)**.

6.2 Requesting Reasonable Accommodations

- a. Individuals with disabilities who believe they need reasonable accommodations are responsible for requesting reasonable accommodations from the appropriate authorized office in accordance with university policies and procedures.
- b. A supervisor or instructor to whom a person communicates either a need for reasonable accommodation or that a disabling condition may interfere with their ability to gain access to or function in the university environment must immediately refer that person to the appropriate authorized office to engage in the interactive process. It is not necessary for the individual specifically to use the terms "disability" or "accommodation." The referred individual is under no obligation to contact that office to request reasonable accommodations.
- c. The university's assessment of disability and disability-related reasonable accommodations shall be made on an individualized basis and through an interactive process.
 1. The authorized office evaluating the request for accommodations may request from the individual necessary additional information, including permission to interact directly with healthcare providers to understand the presence or nature of a disability, and appropriate accommodations for the disability.
 2. The authorized office may request that supervisors/instructors participate in an interactive process by providing information to inform the determination of appropriate accommodations.

6.3 Undue Hardship, Undue Burden, and Fundamental Alteration

- a. The university is not required to provide accommodations that would present undue hardship or undue burden to the institution, or change the fundamental nature of a program, job, or academic component.

- b. Employees who are responsible for the implementation of a reasonable accommodation and who believe the accommodation is an undue hardship, undue burden, or fundamental alteration shall promptly contact the appropriate authorized office to engage in the review process. Such employees may not unilaterally determine that an accommodation is an undue hardship, undue burden, or fundamental alteration.
- c. Whether an accommodation is an undue hardship, undue burden, or fundamental alteration, is determined on a case-by-case basis.

6.4 Employees Responsible for Implementation of Reasonable Accommodations

- a. Supervisors/instructors who are responsible for the implementation of a reasonable accommodation listed as approved by the authorized office shall promptly:
 - 1. implement the reasonable accommodation; or,
 - 2. implement procedure 6.3(b).
- b. Supervisors/instructors must promptly contact the authorized office with any questions regarding the reasonable accommodation, including questions regarding how to best implement the accommodation.

6.5 Discrimination and Retaliation; Complaints

Discrimination on the basis of disability and retaliation are prohibited, and complaints are filed and processed as described by policies [1302](#) and [1324](#).

6.6 Confidentiality and Release of Information

- a. Disability-related information is confidential, and only certain information may be disclosed, including to supervisors/instructors, beyond the relevant authorized office noted in section 6.1.
- b. Information may be disclosed to employees responsible for implementing accommodations, such as the accommodation to be implemented and, to the extent required to engage in the interactive process, the disability-related need that an accommodation is designed to address. Generally, supervisors/instructors are not provided information regarding the specific disabling condition or supporting documentation considered by the authorized office.
- c. The deliberative body for fundamental alteration, fundamental hardship, or undue hardship will be provided the information appropriate and necessary for the process.
- d. Disability-related information may be released under the following circumstances:
 - 1. pursuant to a valid subpoena or court order;
 - 2. written permission for release provided by the individual with a disability;
 - 3. to the threat assessment team with the individual is determined by TAT to meet the requisite threat level; or,
 - 4. otherwise as permitted or required by law.

6.7 ADA/504 Coordinator

The Director of Equal Opportunity is JMU's [ADA/504 coordinator](#). The ADA/504 coordinator, among other duties: (i) monitors all other aspects of the university's ADA/Rehabilitation Act compliance; and, (ii) oversees the implementation of compliance procedures, including the investigation and disposition of complaints.

7. RESPONSIBILITIES

All departments, offices and employees that generate, receive, or maintain public records under the terms of this policy are also responsible for compliance with Policy [1109](#) (Records Management).

8. SANCTIONS

Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment or expulsion from the university.

9. EXCLUSIONS

None.

10. INTERPRETATION

The authority to interpret this policy rests with the president and is generally delegated to the director of human resources.

Previous version: August 2012

Approved by the president: May 2025