

ARTICLE 7 – REASONABLE ACCOMMODATION

- 7.1 Reasonable Accommodation Laws. All parties will comply with all relevant federal and state laws, regulations, executive orders, and with the provisions of University policy in providing reasonable accommodation to qualified individuals with disabilities.
- 7.2 Disability Definition. Presence of a sensory, mental, or physical impairment that: is medically cognizable or diagnosable; or exists as a record or history; or is perceived to exist whether or not it exists in fact. A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity within the scope of this chapter. For purposes of this definition, "impairment" includes, but is not limited to: any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, and endocrine; or any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- 7.3 Only for the purposes of qualifying for reasonable accommodation in employment, an impairment must be known or shown through an interactive process to exist in fact and the impairment must have a substantially limiting effect upon the individual's ability to perform his or her job, the individual's ability to apply or be considered for a job, or the individual's access to equal benefits, privileges, or terms or conditions of employment; or the employee must have put the University on notice of the existence of an impairment, and medical documentation must establish a reasonable likelihood that engaging in job functions without an accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect. A limitation is not substantial if it has only a trivial effect.
- 7.4 Requesting Accommodation. An employee who believes that he or she suffers a disability and requires a reasonable accommodation to perform the essential functions of his or her position will request such an accommodation from the University. Employees requesting accommodation have a duty to cooperate with the University in discussing the need for, and possible form of, any accommodation. The University will consult with the supervisor, employee, and if applicable, a vocational professional to determine if the disability precludes the employee from performing job functions; substantially limits the individual's ability to perform his or her job, or is reasonably likely to substantially limit the individual's ability to perform his or her job without reasonable accommodation. The University may require supporting medical documentation with any request for accommodation, and may require the employee to obtain a second medical opinion at the expense of the University. Medical information related to an accommodation disclosed to the University will be kept confidential as required by state and federal privacy statutes, in a file separate from the employee's personnel file, and disclosed only on a need to know basis.

- 7.5 Determinations Regarding Accommodations. The University will determine whether an employee is eligible for a reasonable accommodation, and the accommodation, if any, to be provided.
- 7.6 Disability Separation. Every option to reasonably accommodate an employee's disability shall be considered, including an Alternate Job Search.

If the University determines an employee is unable to perform the essential functions of the employee's position due to a disability and cannot be reasonably accommodated, the employee will be separated from service due to disability. Prior to any final decision regarding a disability separation, the University will notify the employee of its determination and provide the employee with an opportunity to discuss the disability separation.

The substantive impact of the University's determinations with respect to this Article may be contested through the grievance procedure in the ordinary manner.