

Reasonable Accommodations for Individuals with Disabilities

I. INTRODUCTION

It is the policy of Goucher College to provide reasonable accommodations upon request for qualified individuals with a disability who are employees or applicants for employment. Goucher will adhere to all applicable federal, state, and local laws, regulations, and guidelines with respect to providing reasonable accommodations in accordance with Title 1 and II with the Americans with Disabilities Act amendment Act (ADAAA), **Section 504 of the Rehabilitation Act of 1973, Title 20 of the State Government Article, Annotated Code of Maryland, and Title VII of the Civil Rights Act, the Maryland Department of Health (“MDH” or the “Department”)** does not discriminate against persons with a disability in the provision of services, programs, benefits or activities. in order to provide equal employment opportunity to qualified individuals with a disability. To the extent that federal, state, or local law provides greater rights and protections than those provided under this policy, the rights and protections provided such law(s) shall govern.

II. SCOPE

This policy applies to faculty, staff and applicants. Student workers should work with the Office of Accessibility Services to request accommodations.

III. DEFINITIONS

1. **Disability:** Disability, with respect to an individual, means:
 - i. A physical or mental impairment that substantially limits one or more of the major life activities of such an individual,
 - ii. A record of having such an impairment, or
 - iii. Being regarded as having such an impairment.
2. **Essential Function:** The fundamental job duties of the employment position the individual with a disability holds or desires. A job function is essential if the position exists to perform that job function, the function is highly specialized, or there are a limited number of employees who can perform that function. The term “essential functions” does not include the marginal functions of the position.
3. **Major life activities:** This includes, but is not limited to:

- i. Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working.

The operation of a major bodily function, including functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

4. Physical or mental impairment is:

- i. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine.
- ii. Any mental or psychological disorder, such as an intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

5. Qualified: The term “qualified,” with respect to an individual with a disability, subject to certain exceptions provided by law, means that the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of such position.

6. Reasonable Accommodation: A reasonable accommodation is:

- i. Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
- ii. Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable an individual with a disability who is qualified to perform the essential functions of that position; or
- iii. Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

Reasonable accommodations do not include the elimination of a primary job function, the provision of personal use items, such as a wheelchair, hearing aid, or similar device, or the excuse of violations of uniformly applied conduct rules that are job-related and consistent with business necessity. However, the provision of the foregoing items (except the excuse of conduct violations) may be provided as a reasonable accommodation where such items are specifically designed or required to meet job-related rather than personal needs.

Reasonable accommodations may include but are not limited to:

- i. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities, and
 - ii. Job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modifications of equipment or devices; appropriate adjustment or modifications of examinations, training materials, or policies; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.
7. **Substantially limits:** Means substantially limits the ability of an individual to perform a major life activity as compared to most people 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.
- i. An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability,
 - ii. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active, and
 - iii. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as (1) medication, medical supplies, equipment, or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, and oxygen therapy equipment and supplies; (2) use of assistive technology; (3) reasonable accommodations or “auxiliary aids or services;” (4) learned behavioral or adaptive neurological modifications; or (5) psychotherapy, behavioral therapy, or physical therapy.

IV. PROCEDURES

A. Designated Campus Contact for Accommodation Requests

The Office of Human Resources is responsible for working with applicants for employment and employees who have requested or need accommodations and shall have sole authority to approve workplace accommodations. For example, the Office of Human Resources will evaluate completed medical forms and may follow up with the health care provider for clarification and additional information, if necessary.

B. The Accommodation Process

1. Employee or Applicant Request for Accommodation

Employees are responsible for initiating requests for any desired disability-related workplace accommodation. An employee should make a request for a reasonable accommodation by submitting a [Disability Accommodation Request Form](#) to the Office of Human Resources. The employee making the request is required to cooperate throughout the process by attending meetings to discuss the needed accommodation and providing timely medical documentation

when necessary. The employee may be asked to have their doctor complete a [Documentation of Disability Form](#) and return the form to the Office of Human Resources unless both the employee's disability and the need for reasonable accommodation are obvious. The Office of Human Resources can also act to provide a reasonable accommodation to an employee with a known disability based on an oral request. In these cases, however, the Disability Accommodation Request Form should be submitted for recordkeeping purposes.

The College asks that individuals refrain from providing any genetic information when responding to requests for medical information. "Genetic information" includes, but is not limited to: (1) an individual's genetic tests; (2) the genetic tests of that individual's family members; (3) the manifestation of disease or disorder in family members of the individual (family medical history); (4) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (5) the genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology. Genetic information does not include information about the sex or age of an individual, the sex or age of family members, or information about the race or ethnicity of an individual or family members that is not derived from a genetic test.

The College may acquire medical information that is not genetic information about an employee's manifested disease, disorder, or pathological condition.

Applicants for employment who may need an accommodation for a disability to participate in the selection process should contact the Office of Human Resources. Any information that applicants provide will be treated confidentially, maintained separately from application materials, and used only in accordance with the Americans with Disabilities Act (ADA).

If an individual needs an accommodation due to pregnancy or related conditions, they may request an accommodation under this policy by contacting the Office of Human Resources in the manner described above.

Supervisors are responsible for notifying the Office of Human Resources of any request for accommodation brought to their attention. If the employee has not requested an accommodation and the supervisor believes that the employee may need an accommodation, the supervisor should provide this information to the Office of Human Resources. Supervisors are not authorized to grant or deny accommodation requests.

2. Interactive Process

Upon receipt of the employee's request for accommodation and medical information, or information from a supervisor that an employee may need an accommodation, the Office of Human Resources will engage in an interactive process with the employee in order to determine a reasonable accommodation. The Office of Human Resources may consult with other offices (such as IT for technological solutions) as necessary. In addition, the Office of Human Resources may require an individual to go to an appropriate health professional of Goucher's choice if the Office of Human Resources determines, in its sole discretion that the employee has provided insufficient

information from their treating physician (or other health care professional) to substantiate that they have an ADA disability and needs a reasonable accommodation.

What constitutes a reasonable accommodation will be determined on a case-by-case basis, utilizing input from the affected employee whenever possible. The Office of Human Resources is responsible for documenting all reasonable accommodations and will ask the employee to sign documentation of the selected accommodation. Please note that the Office of Human Resources is not required to provide an employee's preferred accommodation so long as it provides an effective accommodation to the employee.

3. Implementation of Accommodation

Once a reasonable accommodation has been selected, supervisors are responsible for implementing the reasonable accommodation. Supervisors have the responsibility to keep the request confidential except as necessary for implementing the accommodation. Supervisors are also responsible for monitoring the effectiveness of the accommodation, in consultation with the employee and the Office of Human Resources.

4. Denial of Accommodation Request

The College is not required to provide a reasonable accommodation if:

- providing the accommodation would impose undue hardship to the College;
- performance of the job with the accommodation poses a significant risk of substantial harm to the health or safety of the employee or others; or
- the employee is not actually disabled and does not have a record of having a disability.

a. Undue hardship

An accommodation would create an undue hardship when it would result in significant difficulty or expense being incurred by the College when considering pertinent factors.

b. Risk of Substantial Harm

In determining whether an individual poses a significant risk of substantial harm to themselves or others, Goucher will make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or the best available objective evidence, to ascertain:

- the nature, duration, and severity of the risk;
- the imminence of the risk;
- the probability that the potential injury will actually occur; and
- whether reasonable modification of policies, practices, or procedures will mitigate the risk.

c. The employee is not actually disabled and does not have a record of having a disability.

An individual is entitled to an accommodation under the ADA only if the individual has an actual disability or has a record of having a disability. Examples of impairments that are transitory and minor may include, but are not limited to: the common cold, minor bone fractures or sprains, or short-term impairments following surgery or medical treatments.

The Office of Human Resources will consult with the outside General Counsel before denying a reasonable accommodation.

C. Reconsideration Request

An individual dissatisfied with the resolution of a reasonable accommodation request can ask the Associate Vice President of Human Resources to reconsider that decision. An individual must request reconsideration within ten (10) business days of receiving the final decision on the employee's accommodation request.

D. Recordkeeping

All employee and employment records must be kept for a period of two years, as required by the ADA. These records shall be maintained separately from the employee's personnel file in a confidential manner.

V. NON-RETALIATION

No person who has requested a workplace accommodation shall be subject to intimidation, threats, coercion, harassment, interference, or discrimination for requesting such accommodation. Complaints of such retaliation or interference may be filed and processed under the College's Non-Discrimination Policy.

VI. RESPONSIBLE OFFICE

For more information or if you have questions about this policy, please contact the Office of Human Resources at hr@goucher.edu.

VII. HISTORY

Updated: September 2019; January 2020; June 2023.