

# **DISABILITY AND ACCOMMODATION POLICY**

## **I. PURPOSE**

Webster University is committed to fostering a diverse and inclusive culture, welcoming individuals from all backgrounds and abilities to its campuses. This commitment includes ensuring equal employment opportunity and equal access to services, programs, and activities for qualified persons with disabilities. The purpose of this Policy is to assist the University, as an employer, in complying with the Americans with Disabilities Act (ADA) by:

- Assuring equal employment opportunities;
- Providing equal opportunities for participation in education and training programs;
- Facilitating the retention and upward mobility of qualified employees with disabilities; and
- Providing procedures facilitating the prompt and judicious resolution of complaints alleging disability and failure to provide reasonable accommodation.

## **II. SCOPE**

All prospective and current employees with a disability (individuals with a physical or mental impairment that substantially limits one or more of his or her major life activities) may request a reasonable accommodation regarding a University employment practice or action including, but not limited to, hiring, job assignment, working conditions, compensation, promotion, benefits, scheduling, training, discipline and termination.

## **III. POLICY STATEMENT**

In compliance with the ADA, the University will not discriminate in its employment practices against any qualified individuals with disabilities on the basis of their disabilities and will make reasonable accommodations where appropriate based on essential functions of the job, business necessity, and cost of the accommodation. This Disability and Accommodation Policy will be enforced in association with the University's [Equal Employment Opportunity Policy](#).

## **IV. DEFINITIONS**

### **A. Disability**

Individuals with a disability are those who have a physical or mental impairment that substantially limits one or more major life activities or have a history or record of such an impairment.

### **B. Essential Job Functions**

Essential job functions are those duties an employee must be able to perform with or without a reasonable accommodation. They are the fundamental or "core" job duties of a particular position and may include but are not limited to time spent and skill or expertise involved.

### **C. Qualified Individual**

For purposes of employment, a person with a disability must satisfy the requisite skill, experience, education, and other job requirements for the position that person holds or desires with or without reasonable accommodation.

### **D. Reasonable Accommodations**

A reasonable accommodation is any change or adjustment to a job or work environment which allows an employee with a disability to perform the essential functions of a job. It may include making existing facilities readily accessible and usable by individuals with disabilities, job restructuring, modified work schedules, reassignment, and equipment or furniture modifications.

### **E. Undue Hardship**

An accommodation that would be unduly costly, extensive, disruptive, or substantially alter operations is considered to cause the University “undue hardship.” The University is not required to provide such accommodations, but is obligated to explore alternative accommodations which would not cause undue hardship.

## **V. PROCEDURE FOR REQUESTING A REASONABLE ACCOMMODATION**

The University can only accommodate known physical or mental limitations of an otherwise qualified individual. Therefore, it is your responsibility to request a reasonable accommodation from the University by completing and submitting to the Office of Human Resources a [Request for Accommodation Based on Disability](#) and a [Medical Certification for Accommodation Based on Disability](#). The University will attempt to make a reasonable accommodation unless the proposed accommodation constitutes an undue hardship or fails to eliminate a direct threat to health or safety and no other reasonable accommodations are available. In determining whether an accommodation would cause an undue hardship, the department head or supervisor may consider the impact of an accommodation on the ability of other employees to do their jobs. For example, if restructuring a job to accommodate an individual with a disability creates a heavier workload for other employees, the accommodation may cause undue hardship. In most cases, the University will engage the employee or applicant directly to attempt to determine whether a reasonable accommodation can be made.

## **VI. INVESTIGATIONS**

Every reported complaint of discrimination or harassment due to a disability (whether actual or perceived) will be investigated thoroughly, promptly and in a confidential manner to the extent possible. However, given the nature of an investigation, which typically requires interviews with witnesses, the University cannot guarantee absolute confidentiality.

Upon completion of the investigation, the University will communicate its findings and intended actions to the complainant and accused as expeditiously as possible. If the investigator finds that harassment occurred, the accused will be subject to appropriate instructive and/or disciplinary procedures. In the case of University employees, if harassment is established, disciplinary action for a violation of this policy may range from verbal or written warnings up to and including immediate termination of employment,

depending upon the circumstances. With regard to acts of harassment by non-employees, corrective action will be taken after consultation with appropriate University personnel.

## **VII. RETALIATION**

Retaliation in any form is illegal and will not be tolerated. This includes retaliation against an employee for cooperating in an investigation or for making a good faith complaint. Retaliation itself is a serious violation of this policy and of the law, and should be reported immediately. Any person who engages in retaliatory conduct towards any employee who cooperated in an investigation or made a complaint regarding harassment or other disability discrimination will be subject to disciplinary action up to and including termination of employment.

## **VIII. COMPLAINT PROCESS**

If you believe you have been discriminated, harassed, or retaliated against under this policy you should report it to the Office of Human Resources, the University's Title IX Coordinator, or the University's Deputy Title IX Coordinator. The complaint process will be handled in accordance with the University's [\*Grievance Policy and Procedures\*](#). The Office of Human Resources is responsible for overseeing the investigation of all discrimination, harassment, or retaliation complaints for University employees. A prompt, thorough, and impartial investigation of the complaint will be conducted. When appropriate, any employee who violates this policy will be subject to corrective action up to and including termination of employment. The University prohibits any form of retaliation against employees for reporting a complaint or providing information about discrimination, harassment, or retaliation.

## **IX. CONFIDENTIALITY**

Your medical information is confidential. Disclosure of your medical information is restricted to limited situations where a manager or supervisor has a job-related reason to know it. Employees who disclose employee medical information without proper authorization will be subject to disciplinary action, up to and including termination.

*Revised Approved by Administrative Council July 7, 2015*