Florida International University (FIU) is committed to ensuring equal access to educational and employment opportunities for qualified individuals with disabilities in compliance with the Americans with Disabilities Act (ADA) of 1990, Americans with Disabilities Amendments Act of 2008, and Section 504 of the Rehabilitation Act of 1973, the Florida Education Equity Act, as well as other applicable laws and University policy. Under the ADA, qualified individuals with disabilities are protected from discrimination and may be entitled to reasonable accommodations and/or equal access to programs and services.

Confidentiality
The University will keep all information obtained under this Policy confidential and separate from an employee’s personnel file. All medical documentation will be shared only with those involved in the accommodation process, those with a need to know, or when required by law.

Retaliation Prohibited
Retaliation is expressly prohibited by this Policy, and the University will take immediate and responsive action to any report of retaliation. No University employee shall retaliate against any person because they initiated or were involved in this process. Any attempt to penalize anyone involved in the process through any form of retaliation shall be treated as a separate allegation of discrimination and covered by FIU Regulation 106: Nondiscrimination, Harassment and Retaliation (Title VII).

Florida International University, as a member of the State University System of Florida, is an Equal Opportunity, Equal Access Affirmative Action Employer. FIU prohibits discrimination based on race, color, national origin, sex, sexual orientation, gender identity, gender expression, pregnancy, religion, age, disability, marital status, veteran status, and other protected categories. The University’s commitment extends to its programs and activities, applicants, students, and employees.
SCOPE

FIU has a long-standing policy of employing qualified individuals with disabilities in a broad range of positions across the institution. On occasion, the nature of an individual’s disability may make them eligible to receive an accommodation. The Office of Civil Rights Compliance and Accessibility (CRCA) is committed to providing reasonable accommodations, upon request, to qualified individuals with disabilities to ensure equal access to employment opportunities, programs, and services.

In addition to providing workplace access, CRCA provides disability-related access information and resources to employment candidates and visitors. This Policy is applicable to all employees, employment candidates, and visitors to the University's campus, events, programs, and activities.

Students may obtain disability-related academic and housing accommodations through the assistance of the Disability Resource Center.

FIU Regulation 106: Nondiscrimination, Harassment and Retaliation (Title VII) prohibits discrimination and harassment based on disability (among other bases) and outlines the process of how the University responds to and investigates such allegations. Failing to provide a reasonable accommodation to a qualified individual with a disability may constitute discrimination based on disability, which is a violation of FIU Regulation 106.

REASON FOR POLICY

FIU is committed to ensuring an inclusive and equitable environment for its community members and visitors, where programs and services are accessible to everyone, regardless of ability. FIU has created this Policy to ensure the University provides equal access to its educational programs, employment opportunities, events, and activities. This Policy outlines the process by which employees, employment candidates, and visitors can request reasonable accommodations.

DEFINITIONS

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<th>TERM</th>
<th>DEFINITIONS</th>
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<tr>
<td>ADA and Accessibility Coordinator</td>
<td>The University employee designated to oversee compliance with the ADA under this Policy.</td>
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<tr>
<td>Disability</td>
<td>Any physical or mental impairment that limits one or more of an individual's major bodily functions or major life activities (e.g., caring for oneself, walking, seeing, hearing, speaking, breathing, learning, sitting, standing).</td>
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<tr>
<td>Employee</td>
<td>Any University faculty or staff member, including a student employee.</td>
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<tr>
<td>Supervisor</td>
<td>For the purpose of this Policy, a person with the authority to oversee an employee or an area of the employee’s work.</td>
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<tr>
<td>Employment Candidate</td>
<td>A person who is being considered for a job and is moving through the University’s established interviewing and hiring process.</td>
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<tr>
<td>Visitor</td>
<td>A person who does not hold an official role with the University and who attends University events, programs, and activities.</td>
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<tr>
<td>Interactive Process</td>
<td>A process by which the ADA and Accessibility Coordinator works with the individual requesting a reasonable accommodation, the individual’s health care provider, and the individual’s supervisor, as necessary, to identify a reasonable accommodation that is effective for both the individual and department/activity, if possible.</td>
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<tr>
<td>Reasonable Accommodation</td>
<td>An accommodation is any change, modification, or adjustment which enables an individual with a disability to enjoy equal employment opportunity or access to University events, programs, and activities. Please note that what constitutes a reasonable accommodation is determined by the specific facts of each request and will be determined on a case-by-case basis.</td>
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<tr>
<td>Undue Hardship</td>
<td>Undue hardship means 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. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, disruptive, or those that would fundamentally alter the nature or operation of the business. Undue hardship must be based on an individualized assessment of current circumstances that show a specific reasonable accommodation would cause significant burden or expense to the University. The University does not have to provide a reasonable accommodation that would cause and undue hardship.</td>
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</table>

**ROLES AND RESPONSIBILITIES**

**Employee:** The Employee is responsible for initiating the request for accommodation, completing and submitting the required paperwork, and meeting with the ADA and Accessibility Coordinator to discuss the accommodation request.

**Supervisor:** The Supervisor is responsible for meeting with the Employee and ADA Coordinator to discuss the accommodation request.
ADA and Accessibility Coordinator: The ADA and Accessibility Coordinator is responsible for managing the accommodation process, evaluating the request, making a determination, and notifying the Employee of the determination.

RELATED RESOURCES

Reasonable accommodations are determined on an individual basis after considering the specific disability and documentation of functional limitations in accordance with the ADA Amendments Act of 2008 (ADAAA), the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, and the regulations interpreting these statutes.

FIU Regulation 106: Nondiscrimination, Harassment and Retaliation (Title VII) prohibits discrimination and harassment based on disability (among other bases) and outlines the process of how the University responds to and investigates such allegations. If any student, employee or applicant has a good-faith belief that they have been discriminated against or harassed based on age, color, disability, gender, retaliation, sex or any other protected category, they are encouraged to report the incident via report.fiu.edu.

CONTACTS

Florida International University
Division of Human Resources
Office of Civil Rights Compliance and Accessibility (CRCA)
ADA and Accessibility Coordinator
11200 SW 8th Street, Primera Casa (PC) 220
Miami, FL 33199
(305) 348-2785

HISTORY

Initial Effective Date: January 23, 2023
Review Dates (review performed, no updates): N/A
Revision Dates (updates made to document): January 23, 2023; May 8, 2024.