



Reasonable Accommodations for Faculty, Staff, and Employment Applicants/Candidates # 1705.022

INITIAL EFFECTIVE DATE:	LAST REVISION DATE:	RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT
January 23, 2023	October 17, 2024	Office of Civil Rights Compliance and Accessibility (CRCA)

POLICY STATEMENT

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.

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).

SCOPE

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. Applicants/Candidates This Policy is applicable to all employees and employment applicants/candidates.

When requested, students may obtain disability-related academic and housing accommodations through the assistance of the Disability Resource Center. See Qualifying for Services from the Disability Resource Center Policy FIU #509.001.

When requested, people attending University events, programs, and activities may obtain reasonable accommodations to qualified individuals with disabilities to ensure equal access to the events, programs, and activities. See Reasonable Public Accommodations Policy FIU# 1705.022A.

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

This Policy outlines the process when the University will provide a reasonable accommodation which enables a qualified individual with a disability to perform the essential functions of a job, making it possible for an employee with a disability to enjoy equal benefits and privileges of employment, and ensuring equal opportunity in the application process.

DEFINITIONS

TERM	DEFINITIONS
ADA and Accessibility Coordinator	The University employee designated to oversee compliance with the ADA under this Policy.
Disability	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).
Employee	Any University faculty or staff member, including a student employee, adjunct, or temporary employee.
Supervisor	For the purpose of this Policy, a person with the authority to oversee an employee or an area of the employee's work.
Employment Applicant/Candidate	A person who is being considered for a job and is moving through the University's established interviewing and hiring process.
Interactive Process	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.
Reasonable Accommodation	An accommodation is any change, modification, or adjustment which enables an individual with a disability to enjoy equal employment opportunity.



	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.
Undue Hardship	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.

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.	
<u>FIU Regulation 106: Nondiscrimination, Harassment and Retaliation (Title VII)</u> 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 .	



FIU #1705.023 Reasonable Public Accommodations Policy for Events
FIU #1705.020 Digital Accessibility Policy
FIU #175.150 Digital Communication Standards Policy
FIU #509.001 Qualifying for Services from the Disability Resource Center Policy
FIU #2509.002 Service and Emotional Support Animals on Campus Policy

CONTACTS

Office of Civil Rights Compliance and Accessibility (CRCA)
Jacqueline Moise-Gibbs
ADA and Accessibility Coordinator
11200 SW 8th Street, Primera Casa (PC) 220
Miami, FL 33199
(305) 348-2785
ocrca@fiu.edu

HISTORY

Initial Effective Date: January 23, 2023
Review Dates (*review performed, no updates*): N/A
Revision Dates (*updates made to document*): January 23, 2023; October 17, 2024.



**Procedures for Reasonable Accommodations for Faculty, Staff, and
Employment Applicants/Candidates #1705.022a**

INITIAL EFFECTIVE DATE: January 23, 2023	LAST REVISION DATE: October 17, 2024	RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT Office of Civil Rights Compliance and Accessibility (CRCA)
--	--	---

PROCEDURE STATEMENT

Step One - Submitting a Request

Employees and employment Applicants/Candidates seeking an accommodation are responsible for initiating the request and should direct their request to the ADA and Accessibility Coordinator through CRCA at <https://ace.fiu.edu/ada-and-accessibility/index.html>.

Employees and employment Applicants/Candidates seeking to request an accommodation must submit the following forms along with supporting documentation to ocrca@fiu.edu:

- a) Employee Accommodation Request Form
(Must be completed by the Employee).
- b) Physician Verification of Accommodation Form
(The employee's approved job description must be submitted to be reviewed and completed by the treating physician or health care provider. The approved job description can be requested by the Employee through CRCA.) The Verification will not be requested if the disability is obvious.

The ADA and Accessibility Coordinator will notify in writing the Supervisor and HR Liaison that the Employee has submitted a request for a Reasonable Accommodation.

Step Two - Discussion

Once the Employee Accommodation Request Form and Physician Verification Accommodation Form have been received, the ADA and Accessibility Coordinator will review the file and meet with (at a minimum) the employee and their supervisor to discuss the request, the needs of the department and begin to identify reasonable accommodations that may be effective.

The ADA and Accessibility Coordinator may request the following documents should additional information be needed from the health care provider. In such instances, employees or employment Applicants/Candidates must submit the following additional forms to ocrca@fiu.edu:

- c) Release of Information Form

(Must be completed by the Employee.)

d) Physician Letter

(Must be completed by the Employee.)

Step Three - Documenting the Disability

The ADA and Accessibility Coordinator evaluating the requested accommodation will determine what type of other documentation (if any) is necessary to verify the disability. This may vary depending on the nature and extent of the disability and the accommodation requested. It is the responsibility of the person seeking an accommodation to provide the requested documentation relating to their disability. If the ADA and Accessibility Coordinator determines that the person does not meet the definition of a qualified individual with a disability, the ADA and Accessibility Coordinator will advise the person in writing and the process ends at this step. If the ADA and Accessibility Coordinator determines that the person is a qualified individual with a disability, the ADA and Accessibility Coordinator will continue the interactive process.

Step Four - Evaluation

In the case of Employees, reasonable accommodations are determined following an individualized assessment of a request and interactive process with the employee, supervisor, and health care provider, as necessary. The ADA and Accessibility Coordinator will consider the needs and requests for a reasonable accommodation and will consider the following factors, including but not limited to:

- a) The nature of the employee's physical or mental condition, and how it affects their needs in the workplace setting.
- b) Whether the employee's physical or mental condition limits one or more major life activities.
- c) Whether the requested accommodation would enable the employee to perform the essential job functions effectively.
- d) Whether the requested accommodation would alter or remove an essential function of the job.
- e) The impact that the requested accommodation or modification has or may have on the department or unit.

Depending on the facts and circumstances of the request, reasonable accommodations for Employees may include the following, which is not and exhaustive list:

- a) making existing facilities accessible;
- b) job restructuring;
- c) part-time or modified work schedules;
- d) acquiring or modifying equipment;
- e) changing tests, training materials, or policies;
- f) providing qualified readers or interpreters;
- g) providing assistive technology and accessible workstations; and
- h) reassignment to a vacant position.



If more than one reasonable accommodation is effective, the preference of the qualified individual with a disability should be given primary consideration. However, the University has the ultimate discretion to choose between effective accommodations. The University is not required to provide any accommodation that would constitute an undue hardship.

Step Five - Notification

The ADA and Accessibility Coordinator evaluating the request for an accommodation shall provide the individual seeking an accommodation with written notification of the determination. If the individual seeking an accommodation is an Employee, the Employee's supervisor and HR Liaison will be copied on the written notification.