Title: Americans with Disabilities Act – ADA

HR Policy No. HR – 10.035
Page: 1 of 5
Effective: 5/23/2022

Purpose

This policy is intended to encompass the federal Americans with Disabilities (ADA) and the Americans with Disabilities Act Amendment Act (ADAAA), Section 504 of the Rehabilitation Act of 1973, and applicable Rhode Island law. Providence College is committed to diversity and nondiscrimination, and supports the employment of qualified individuals with disabilities in the workplace.

Consistent with the ADA and ADAAA, Section 504, and Rhode Island law, the College reaffirms that all employment decisions are determined on the basis of a staff, faculty member, or student worker's qualifications to perform the essential functions of the job.

Applicability

All Administrators, Staff, Faculty,Student Workers, and Applicant.

Eligibility Requirements

Qualified administrators, staff, faculty, and student workers of the College, and applicants who have a physical or mental impairment that limit one or more major life activities, have record of such impairment, or are regarded as having such impairment.

Policy

Providence College provides reasonable accommodations for staff, faculty, student workers, individuals to whom a job offer has been made, and applicants who have a disability. In determining which accommodations are “reasonable,” the College and the individual have a mutual obligation to engage in a good faith interactive process to explore and discuss options for reasonable accommodation. Reasonable accommodations are provided only when an individual identifies oneself as a “qualified individual” with a covered disability, provides the appropriate documentation from a certified healthcare provider, and the accommodation does not cause undue hardship to the department and/or the College.

Guidelines

Administrators, Staff, Faculty, and Student Workers

1. The administrator, staff, faculty member, or student worker is responsible for requesting an accommodation for a disability. The request should be made in writing by submitting the "ADA Reasonable Accommodation Request Form" to the Director of Benefits. Once the request is received, the Director of Benefits will contact the employee within five (5) business days to schedule a meeting to begin the interactive process and discuss the need for accommodation.

2. Employees requesting accommodations will be required to submit written documentation from a qualified health care provider to support the request. The documentation must include the following:

   - Clear statements that the employee is under the provider's care for the disability or medical condition(s) for which the accommodation is being requested
   - Expected duration of the employee's limitations as they affect the ability of said employee to perform the essential functions of their position
   - Explanation of the recommended accommodation(s), the relevance of the accommodation(s) to the disability, and the expected duration of the recommended accommodation(s)
   - Other information as requested

   Should employees be unable to provide documentation, the office of human resources reserves the right to suspend the process until the documentation is received.

3. Upon receipt of all documentation requested, the Director of Benefits will determine if the request qualifies for an accommodation under applicable law and, in concert with the employee's supervisor and divisional vice president (if needed), determine if the accommodation(s) are "reasonable." Possible alternative accommodations may be presented for consideration as long as they are deemed to be effective in accommodating the request based on the medical and/or mental health impairment.

4. Decisions regarding the approval or denial of an accommodation will be made in writing to the employee and his/her supervisor within fifteen (15) business days of the final determination. The Director of Benefits will obtain periodic updates as appropriate, in order to ensure any/all accommodations are meeting the needs of the employee, the department, and the College. Reasonable accommodations may be re-evaluated based on the ever changing business needs.

Applicants

Qualified individuals applying for a position at the College are responsible for requesting reasonable accommodations throughout the recruitment process (application, interviewing, and hired if the selected candidate). Hiring supervisors must inform the Director of Benefits should a candidate disclose the need for an accommodation.

Upon notification, the Director of Benefits will discuss the request for accommodation with the applicant and determine if the request in "reasonable" and the qualified disability complies with applicable law. Approvals or denials will be communicated to the applicant throughout the recruitment process.

Responsibility

The Sr. Associate Vice President for Human Resources, or his/her designee, is responsible for overall administration of this policy.

Definitions

These definitions apply to terms as they are used in this policy and/or as defined by applicable federal and state laws.

- **Disability**: A physical or mental impairment that substantially limits one or more major life activities.

- **Essential Functions**: The basic job duties that an employee must be able to perform, with or without a reasonable accommodation. These essential functions are identified in the position description maintained by the office of human resources.

- **Perceived Record of a Disability**: A person may be disabled if the individual has a physical or mental impairment, has a record of such an impairment, or is regarded as having such impairment.

- **Qualified Individual with a Disability**: One who possesses the requisite skills, education, experience, and training for a position, and who can, with or without reasonable accommodation, perform the essential functions of the position that is held or desires to hold.

- **Reasonable Accommodation**: Modifications or adjustments to the position application processes or work environment necessary to enable a qualified individual with a disability to be considered for a position, perform the essential functions of his/her job, or enjoy equal benefits and privileges of employment.

  Depending on the specific circumstances and the documentation received, accommodations may include:

  1. Modifications to equipment
  2. Modifications to workspaces and/or the work environment
  3. Modifications to work schedules while continuing to meet department and College needs
  4. Leaves of absence to tend to medical or mental health issues
  5. Modifications to work schedules, including working remotely at times
  6. Modification and/or adaption to the way in which essential functions are performed
  7. Elimination of certain non-essential functions
  8. Other similar accommodations for individuals with disabilities

- **Substantial Limitations**: An impairment that prevents the performance of a major life activity that an average person in the general population can perform; or a significant restriction as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the average person in the general population.

- **Undue Hardship**: Significant difficulty or expense on the College, which refers not only to financial difficulty, but also to accommodations that would be unduly extensive, substantial or disruptive, or those that would fundamentally alter the nature or operation of the position.

Appeals and Complaint Grievance/Resolution Process

The following procedures govern complaints alleging violations of the ADA and ADAAA, or Section 504 under this policy:

1. Complaints of and alleged violation or claim of failure to provide a reasonable accommodation must be made in writing to the ADA/504 Coordinator (or designee) in a timely manner for investigation. The written complaint should specify the time, place and nature of the act claimed to be in violation and may be supplemented by supporting documents. If the complaint involves a decision made by the ADA/504 Coordinator that the complainant believes is a violation or failure to provide a reasonable accommodation, then the written complaint should be submitted to the Executive Vice President (or designee) who will appoint a senior administrator to investigate the complaint.

2. The investigator will investigate relevant facts and circumstances in support of the alleged violation, to include review and verification of documentation and any statements by involved and/or knowledgeable parties, and conclude the investigation within fifteen (15) days of receipt of the complaint. If additional time is needed, the investigator will inform the complainant and explain the reason(s) for the delay.

3. The investigator may attempt voluntary resolution of a complaint through mutual agreement of the affected parties at any point during the course of the investigation. If a resolution is reached, the investigation shall conclude and the terms and conditions of the agreement shall be provided in writing to the complainant and other College officials as necessary.

4. Where resolution through mutual agreement is not achieved, written investigative findings and a recommendation for resolving the complaint shall be forwarded to the Executive Vice President (EVP), to the complainant, and to other College officials as necessary.

5. The EVP, or designee, will provide the complainant and other College officials of his/her decision in writing within ten (10) business days of receipt of the findings and recommendations from the investigator. This decision is final. If there is a finding of a violation, the College shall take steps to prevent recurrence of any such actions and correct the effects on the complainant and others, if appropriate. Retaliation against individuals who file complaints or participate in the complaint grievance/resolution process is prohibited.

To view the College's Notice of Non-Discrimination, please visit About Human Resources