



## **University of Science and Arts of Oklahoma**

### **ADA and Employee Accommodations Policy and Procedure**

Effective Date: 09/01/2025

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#### **1.0 POLICY STATEMENT**

The University of Science and Arts of Oklahoma (USAO) is committed to providing equal employment opportunities and fostering an inclusive and accessible work environment for all qualified individuals, including those with disabilities. In compliance with the Americans with Disabilities Act of 1990 (ADA), as amended by the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), and other applicable federal and state laws, USAO prohibits discrimination against qualified individuals with disabilities in all aspects of employment, including recruitment, hiring, promotion, training, compensation, benefits, and termination.

USAO will make good faith efforts to provide reasonable accommodations to qualified applicants and employees with disabilities, enabling them to perform the essential functions of their positions unless doing so would impose an undue hardship on the university or fundamentally alter the nature of the employment. The university is also committed to engaging in an interactive process with individuals requesting accommodations to determine effective and appropriate solutions. This policy also prohibits harassment or retaliation against any individual who requests an accommodation, files a complaint, or participates in an investigation related to disability discrimination.

#### **2.0 THE AMERICANS WITH DISABILITIES ACT**

The Americans with Disabilities Act of 1990 (ADA) and the Americans with Disabilities Amendment Act of 2008 (ADAAA), prohibit discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications.

Qualified individuals are protected from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

Disability discrimination includes failing to reasonably accommodate the known physical or mental limitation(s) of an otherwise qualified individual with a disability who is an applicant or employee, except when the requested accommodation would create an undue hardship.

### 3.0 DEFINITIONS

For this policy, the following definitions apply:

- **Disability:** As defined by the ADA, a person with a disability is an individual who:
  - Has a physical or mental impairment that substantially limits one or more major life activities (e.g., caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working).
  - Has a record of such an impairment.
  - Is regarded as having such an impairment (even if no actual impairment exists).
- **Qualified Individual with a Disability:** An individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
- **Essential Functions:** The fundamental job duties of the employment position the individual holds or desires. A job function may be considered essential for several reasons, including but not limited to:
  - The reason the position exists is to perform that function.
  - There are a limited number of employees available among whom the performance of that job function can be distributed.
  - The function is highly specialized, and the incumbent is hired for his or her expertise or ability to perform that particular function.
- **Major Life Activity:** Major life activities include but are not limited to caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
- **Reasonable Accommodation:** Any modification or adjustment to the work environment, or to the manner or circumstances under which a position is customarily performed, that enables a qualified individual with a disability to perform the essential functions of that position. Examples may include, but are not limited to:
  - Making existing facilities readily accessible and usable by individuals with disabilities.
  - Job restructuring.

- Part-time or modified work schedules.
- Reassignment to a vacant position (if qualified).
- Acquisition or modification of equipment or devices.
- Adjustments or modifications of examinations, training materials, or policies.
- Providing qualified readers or interpreters.
- **Undue Hardship:** An action requiring significant difficulty or expense when considered in light of factors such as the nature and cost of the accommodation, the overall financial resources of the specific facility or institution involved, the overall financial resources of the university, and the type of operation of the university.
- **Interactive Process:** A collaborative discussion among the employee, their supervisor, and a designated university representative within the Office of Human Resources, Institutional Equity & Title IX (HR) to determine the nature of the limitations and explore effective, reasonable accommodations.

## 4.0 ROLES AND RESPONSIBILITIES

### 4.1 Employee/Job Applicant Role

- **Initiating a Request:** An employee or job applicant who believes they need a reasonable accommodation to perform the essential functions of their job or to participate in the application process should initiate a request. Requests can be made verbally or in writing to their immediate supervisor or, preferably, directly to the Office of Human Resources, Institutional Equity & Title IX. While a formal request form is not always required to initiate the process, it is always recommended to clearly communicate the need.
- **Providing Documentation:** The employee may be asked to provide appropriate medical documentation from a qualified healthcare professional that:
  - Verifies the existence of a disability.
  - Explains how the disability substantially limits a major life activity and impacts the employee's ability to perform essential job functions.
  - Suggests potential accommodations that would enable the employee to perform the essential functions of their position.
  - The university reserves the right to request additional documentation if the initial information is incomplete or insufficient to determine the need for accommodation or to identify an effective accommodation.
- **Engaging in the Interactive Process:** The employee is expected to actively participate in the interactive process with HR and their supervisor. This includes discussing the nature of their limitations, exploring possible accommodations, and evaluating the effectiveness of proposed solutions.

### 4.2 Supervisor Role

- **Receiving Requests:** If a supervisor receives an accommodation request, they should immediately notify and consult with HR. Supervisors should not attempt to determine eligibility or implement accommodations independently.
- **Collaborating with HR:** Supervisors will work collaboratively with HR to identify the essential functions of the employee's position, discuss the impact of the disability on job performance, and explore potential reasonable accommodations.
- **Implementing Accommodations:** Once an accommodation is determined and approved by HR, the supervisor is responsible for implementing the agreed-upon accommodation in a timely manner.
- **Maintaining Confidentiality:** Supervisors must maintain the confidentiality of all medical and disability-related information. Such information should only be shared with individuals on a "need-to-know" basis, as authorized by HR and applicable laws.

#### 4.3 Office of Human Resources, Institutional Equity, and Title IX (HR) Role

- **Central Point of Contact:** HR is the designated office responsible for managing and coordinating all employee accommodation requests.
- **Interactive Process Facilitation:** HR will engage in a confidential, interactive process with the employee and their supervisor to:
  - Review the accommodation request and supporting documentation.
  - Determine if the employee is a "qualified individual with a disability" under the ADA.
  - Identify the essential functions of the position.
  - Explore potential reasonable accommodations.
  - Assess whether a proposed accommodation would create an undue hardship for the university.
- **Decision Making:** HR will make the final determination regarding reasonable accommodations. The decision will be communicated to the employee and the relevant supervisor.
- **Documentation and Record Keeping:** HR will maintain all medical and disability-related documentation in secure, confidential files separate from the employee's personnel file.
- **Training and Guidance:** HR will provide guidance and training to supervisors and employees regarding this policy and ADA compliance.

### 5.0 INTERACTIVE PROCESS

The interactive process is a flexible, informal process between the employee, their supervisor, and HR to identify the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations. This process may involve:

- Analyzing the particular job involved and its essential functions.

- Consulting with the individual with a disability to ascertain the precise job-related limitations imposed by the individual's disability and how those limitations could be overcome with a reasonable accommodation.
- Identifying potential accommodations and assessing the effectiveness each would have in enabling the individual to perform the essential functions of the position.
- Considering the preference of the individual with a disability and selecting the accommodation that is most appropriate for both the employee and the university.

## **6.0 CONFIDENTIALITY**

All information and records regarding an employee's disability, medical condition, or accommodation request will be treated as confidential and maintained in the Office of Human Resources, Institutional Equity & Title IX in files separate from general personnel files. This information will only be disclosed to individuals on a strict "need-to-know" basis (e.g., supervisors who need to be informed of necessary restrictions or accommodations, first aid/safety personnel if the disability might require emergency treatment, or government officials investigating compliance with the ADA).

## **7.0 DISCRIMINATION AND RETALIATION**

Section 504 of the Rehabilitation Act (Section 504) prohibits discrimination on the basis of disability in programs receiving federal financial assistance. Both the ADA and Section 504 prohibit retaliation for seeking protection of one's rights under these acts.

USAO strictly prohibits any form of retaliation against individuals who:

- Request a reasonable accommodation.
- File a complaint of disability discrimination.
- Assist in an investigation related to a disability discrimination complaint.
- Exercise any rights protected by the ADA or this policy.

Any employee found to have engaged in retaliation may be subject to disciplinary action, up to and including termination of employment.

## **8.0 ACCOMMODATIONS REQUEST PROCEDURE AND IMPLEMENTATION**

### **1. Requesting an Accommodation:**

- Employees submit a request by completing the Employee Accommodation Request Form and submitting it to the Office of Human Resources, Institutional Equity, and Title IX.
- If an employee initially makes a verbal request, they will be provided with the form and assistance if needed to ensure timely submission.

- The completed form should include a description of the condition, and the specific accommodation(s) requested.
- 2. Documentation Requirements:**
  - Medical documentation may be required to verify the disability and the need for accommodation.
  - The employee's healthcare provider must also complete the ADA Medical Inquiry Form as part of the documentation process.
  - Documentation must be from a licensed healthcare provider and verify that the individual has a qualifying disability under the ADA and explain functional limitations requiring an accommodation.
  - The scope of information requested will be limited to what is necessary to determine the existence of a disability and the necessity of the accommodation.
  - All documentation will be kept confidential and stored separately from personnel files.
- 3. Interactive Process:**
  - Upon receiving a request, HR will initiate the interactive process with the employee or applicant.
  - This process includes discussing the individual's needs and identifying potential accommodations.
  - The interactive process will typically begin within ten (10) business days of receiving the request and documentation.
- 4. Determination and Implementation:**
  - HR, in consultation with the supervisor and the employee, will determine if the request is reasonable.
  - A written decision will be provided to the employee within fifteen (15) business days of completing the interactive process.
  - Approved accommodations will be implemented as promptly as possible.
  - If the request is denied, the employee will receive a written explanation and may appeal the decision.
- 5. Grievance Procedure:**
  - Employees who disagree with the outcome of an accommodation request may file a written grievance within ten (10) business days of the decision.
  - Grievances should be submitted to the Chief Human Resources Officer.
  - The grievance will be reviewed by a designated ADA Compliance Officer or alternate administrator who was not involved in the initial decision.
  - A final written determination will be issued within ten (10) business days of the grievance submission.

## **9.0 SIGNIFICANT RISK OF HARM**

- USAO is not required to employ an individual who poses a significant risk of harm to the health or safety of self or others and who cannot perform the job at a safe level even with reasonable accommodation.

- In determining whether an individual poses a significant risk of harm, the university 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.

## **10. SUPPORT SERVICES AND TECHNOLOGIES AVAILABLE**

USAO provides a wide range of services and assistive technologies to support employees, both faculty and staff, with disabilities. For more information and/or a list of available services and technologies, contact:

University of Science and Arts of Oklahoma  
Office of Human Resources, Institutional Equity and Title IX  
Troutt Hall, Room 306  
1727 W Alabama Ave, Chickasha, OK 73018  
Phone: 405-574-1350  
Email: [equalopportunity@usao.edu](mailto:equalopportunity@usao.edu)