

**Subject:** **Non-Discrimination on the Basis of Disability  
Reasonable Accommodation Policy and Procedures**

**Part A: Employment**

**Part B: Programs and Services**

**Grievance Procedures**

**Date Effective:** July 1, 1998

**Human Resources Team Review:** February 17, 1998 and March 17, 1998

**Executive Council Approval:** April 24, 1998

**Chancellor Approval:** (on original copy)

## **PURPOSE**

University of Wisconsin-Extension is committed to providing equal access to employment and educational opportunities for persons with disabilities in compliance with the Americans With Disabilities Act of 1990, the 1974 Rehabilitation Act §§ 503 and 504, as amended, and the Wisconsin Fair Employment Act.111.32. University of Wisconsin-Extension recognizes that individuals with disabilities may need accommodations to have equally effective opportunities to participate in or benefit from University of Wisconsin-Extension programs, services and activities, and to have equal employment opportunities. This policy and these procedures are established to ensure that qualified persons with disabilities are protected from discrimination in employment, programs, activities and services provided by the University of Wisconsin-Extension and are afforded the right to reasonable accommodations.

## **II. POLICY**

It is the policy of the University of Wisconsin-Extension to make individuals with disabilities full participants in employment, programs, services and activities. No employee, student or program participant shall be denied access to, participation in, or the benefits of University of Wisconsin-Extension employment, programs or activities solely because of that person's disability. Individuals with disabilities have a right to request reasonable accommodations. The University of Wisconsin-Extension shall adhere to all applicable federal and state laws, regulations, and guidelines with respect to providing reasonable accommodations as required to afford equal employment opportunity and equal access to programs to qualified persons with disabilities. Any questions regarding this policy should be directed to the Office of Equal Opportunity and Diversity Programs at (608) 262-0277.

### **III. REASONABLE ACCOMMODATIONS PROCEDURES**

University of Wisconsin-Extension provides equal opportunities to qualified persons with disabilities in all terms and conditions of employment. Further, University of Wisconsin-Extension shall provide reasonable accommodations upon request to qualified persons with disabilities who are employees or applicants. Reasonable accommodations shall be provided in a timely manner.

#### **PART A: EMPLOYMENT**

##### **1. Definitions**

**a) Disability means with respect to an individual:**

- ◆ a physical or mental impairment that substantially limits one or more major life activities;
- ◆ a record of having such an impairment;
- ◆ being regarded as having such an impairment.

In addition, an individual may not be discriminated against due to *association with a person who has, has a record of, or is regarded as having a disability*

- b) A qualified person with a disability** is a person who satisfies the requisite skills, experience and other job-related requirements of the position and who, with or without reasonable accommodations, can perform the essential functions of the job.
- c) Essential functions** are job duties that are fundamental to the position, not marginal. Duties are **WHAT** must be accomplished, **NOT HOW** it is accomplished.
- d) Reasonable Accommodation** means modifications or adjustments to a job application process that enable a qualified person with a disability to be considered for a position the person desires **OR** modifications or adjustments to the job, work environment, or the way in which work is customarily performed that permit a qualified employee with a disability to perform the essential functions of the job or enjoy the benefits and privileges of employment equal to those of employees without disabilities.

##### **2. Procedure: Applicants for Employment**

- a)** All application materials shall be made available in alternative formats and all position announcements shall include the following statement or its equivalent:

Application materials are available in alternative formats upon request to: name, address, and phone number of contact person. If a teletypewriter (TTY) number is available, it should also be included.

- b)** Applicants invited for interviews shall be notified that they can request accommodations for a disability for the interview process and told how to make that request.

- c) The following paragraph or its equivalent shall be added to any correspondence scheduling an interview:

**"It is the policy of (name of department) to provide reasonable accommodations for qualified persons with disabilities who are employees or applicants for employment. If you need assistance or accommodations to interview because of a disability, please contact (name and phone no. of person responsible). Employment opportunities will not be denied to anyone because of the need to make reasonable accommodations for a person's disability."**

- d) If interviews are scheduled by telephone, the applicant shall be informed about the availability of reasonable accommodations in the interview process. A letter, which includes the above policy and confirms the interview date, time and place shall be sent to the applicant.
- e) The contact person for the accommodation request should NOT be a member of the search committee or in a decision-making position in the search process.
- f) When a request for accommodation is received from an applicant, the contact person for the accommodation request shall contact the divisional personnel representative for assistance. **If the divisional personnel representative is a member of the search and screen committee the person responsible shall contact the institutional personnel representative for assistance.**
- g) The personnel representative or designee shall discuss the needed accommodation and possible alternatives with the applicant.
- h) The personnel representative/designee shall make a decision regarding the request, and if approved, take the necessary steps to insure that the accommodation is provided. If the request is not approved, the personnel representative/designee shall inform the applicant of the reason for denial of requested accommodation, in writing, within 3 working days of the decision.
- i) If the request for accommodation is not approved, the applicant may appeal the decision to the University of Wisconsin-Extension Office of Equal Opportunity and Diversity Programs. The Director of the Office of Equal Opportunity and Diversity Programs is the ADA Coordinator for University of Wisconsin-Extension
- j) Applicants who have received job offers may make accommodation requests following the same procedure used for employees, outlined below. Disability Accommodation Request Forms may be obtained from the Office of Equal Opportunity and Diversity Programs, the institutional Personnel Office, or from Divisional Personnel Representatives.

**Note: Information about an applicant's disability is CONFIDENTIAL and may not be shared with search committee members or decision-makers in the hiring process.** Search committees should consult the University of Wisconsin-Extension Hiring Guidelines and or the Office of Equal Opportunity and Diversity Programs for guidance in interviewing applicants, including applicants with disabilities.

### 3. Procedure: Current Employees

- a) Each division/department shall inform all employees of the University of Wisconsin-Extension accommodation policy.
- b) An employee who believes s/he needs a reasonable accommodation to enable her/him to perform the essential functions of her/his job shall inform her/his supervisor or manager of the need for an accommodation.
- c) If a supervisor or manager becomes aware of an employee's disability **and it appears to be related to a performance issue**, the supervisor/manager shall contact the Office of Equal Opportunity and Diversity Programs for assistance.

**Note: An employee does not need to use the phrase "reasonable accommodation." If an employee discloses a disability and requests assistance/adjustments of any kind, the supervisor or manager shall consider this a request for a reasonable accommodation and begin the accommodation process.**

- d) An employee requesting an accommodation should be encouraged to fill out a disability accommodation request form, available from the Office of Equal Opportunity and Diversity Programs and institutional/divisional personnel offices. If the employee needs assistance completing the form, the institutional/divisional personnel representative or the Office of Equal Opportunity and Diversity Programs shall assist him/her.
- e) The Office of Equal Opportunity and Diversity Programs and the divisional personnel representative may be consulted at any time in this process. **However, if the department wants medical verification of the disability and/or recommendations from the employee's medical practitioner, the Office of Equal Opportunity and Diversity Programs must be consulted. All requests for medical information shall be made by the Office of Equal Opportunity and Diversity Programs.**
- f) When an employee requests an accommodation, the supervisor, in consultation with the person in the department who has the authority to approve accommodations, and *the employee* shall:
  - 1) Discuss the purpose and essential functions of the particular job involved. Completion of a step-by-step job analysis may be necessary;
  - 2) Determine the job-related limitation created by the employee's disability;
  - 3) Identify the potential accommodations and assess the effectiveness of each in enabling the employee to perform the essential functions of the job; and
  - 4) Select and implement the accommodation that is most appropriate for both the individual and the employer. While the individual's preference will be given

consideration, UW-Extension is free to choose among equally effective accommodations and may choose one that is less expensive or easier to provide.

- 5) The Office of Equal Opportunity and Diversity Programs may request information from the employee's medical practitioner to document the employee's job-related limitation(s) and to assist in determining an effective reasonable accommodation for the employee. Supervisors and managers will not be told about or have access to medical information unless the disability might require medical treatment. Supervisors and managers will be told about necessary restrictions on the work or duties of the employee and about possible accommodations. The employee requesting an accommodation is responsible for providing the medical documentation requested.
  - 6) The employee and the Office of Equal Opportunity and Diversity Programs shall be informed in writing of the supervisor's decision regarding the accommodation request as soon as possible but no later than **20 working days from the date of the request**. If the 20-day requirement cannot be met, the personnel representative and a representative from the Office of Equal Opportunity and Diversity Programs will meet with the employee to agree on a reasonable time limit.
- g) If the supervisor/manager is unable to make a decision on an accommodation request, or if the department/division requires approval of the supervisor's or manager's accommodation decision, the supervisor shall forward the employee's request for accommodation along with her/his recommendation to the department/division head or her/his designee.
  - h) The division/department head, or her/his designee, shall consult with the Office of Equal Opportunity and Diversity Programs and make a decision regarding the accommodation and notify the supervisor and employee making the request.
  - i) If the employee requesting an accommodation and the employing unit do not reach agreement on what, if any, accommodation is to be provided, the Office of Equal Opportunity and Diversity Programs shall review the accommodation request and make the final decision as to what, if any, accommodation shall be provided. The Office of Equal Opportunity and Diversity Programs shall communicate its decision in writing to the employee making the accommodation request and the division head of the employing unit. The employee requesting an accommodation may file a grievance as outlined in Part IV of this policy if s/he disagrees with the decision made by Office of Equal Opportunity and Diversity Programs.
  - j) After accommodations are provided, the employee and his/her supervisor need to evaluate the effectiveness of the accommodation. The divisional personnel representative and the Office of Equal Opportunity and Diversity Programs may also be involved in this process. If modifications to the accommodation are needed, they should be requested using the procedures outlined in this policy.
  - k) If, at any time there is a question about the continuing nature of an employee's reasonable accommodation, the employee or the supervisor shall contact the Office of Equal Opportunity and Diversity Programs.

#### 4. Documentation

After a department makes a reasonable accommodation, it will send a copy of the accommodation agreement to the Office of Equal Opportunity and Diversity Programs.

Copies of correspondence related to the reasonable accommodation process shall be filed in the Office of Equal Opportunity and Diversity Programs. Medical information and all correspondence containing information about the employee's disability shall be kept in a separate, confidential medical file. All employee confidential medical files shall be kept in the institutional personnel office in a separate, locked file with restricted access. **No medical information may be maintained in individual departments or divisions.**

### Part B: STUDENTS and PROGRAM PARTICIPANTS

#### 1. Definitions

a) **Disability** means, with respect to an individual:

- ◆ a physical or mental impairment that substantially limits one or more major life activities;
- ◆ a history or record of having such an impairment;
- ◆ being regarded as having such an impairment.

In addition, an individual may not be discriminated against due to *association with a person who has, has a record of, or is regarded as having a disability.*

b) **A qualified person with a disability** is someone who, with or without accommodations, meets the essential eligibility requirements for participating in programs, services, and activities provided by the University of Wisconsin-Extension.

c) **Accommodation** means adjustments including reasonable modifications to rules, policies, or practices; environmental adjustments such as removal of architectural, communication or transportation barriers; or auxiliary aids and services.

d) **Essential Eligibility Requirements** means the legitimate academic standards, education, experience or other requirements for admission to or participation in University of Wisconsin-Extension's programs, services or activities which an individual must be able to meet with or without accommodation.

e) **Individual** means any person applying for admission to or participation in a program, service or activity of University of Wisconsin-Extension, or any person currently participating in a program, service or activity of the University of Wisconsin-Extension.

## 2. Procedure: Students, Program Participants and Applicants

- a) Each division/program unit shall have a process for filling requests for materials in alternative formats and for providing accommodations to enable persons with disabilities to fully participate in their programs/events. **Divisions/units will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the costs of measures required to provide materials and/or accommodations.**
- b) The following positions are responsible for coordinating efforts to make individuals with disabilities full participants in programs, services and activities in their respective divisions. These individuals will be referred to in this policy as “divisional Title II coordinators.”

Division of Cooperative Extension: **Asst. to the Dean, Office of the Dean**

Division of Continuing Education: **Student Services Coordinator, Student Services Office**

Division of Extension Communications: **Vilas Facilities Coordinator/Personnel Specialist, Personnel Office**

General Educational Administration: **Asst. Chancellor for Administrative and Financial Services, Office of the Chancellor**

Business and Manufacturing Extension: **Asst. Director, Bus. and Manufacturing Extension, Office of the Director**

- c) All publications and program announcements and program materials shall be made available in alternative formats.
- d) **Publications** shall include the following statement or its equivalent:

**This document can be made available in alternative formats by calling (name) at (phone number, voice) or (phone number, TTY)**

If the contact person cannot be reached using a TTY, the following statement or its equivalent must also be included:

**If you use a TTY, contact Wisconsin TRS at 1-800-947-3529 and ask them to place a call to (name) at (phone number)**

- e) **Program announcements**, which include bulletins, flyers, brochures, letters, public service announcements, or other materials used to inform the public of the event or program must **also** include the following statement or its equivalent:

**If you need an accommodation for a disability to fully participate in this**

**program/event, please contact (name) at (phone number/voice) or (phone number/TTY). Please allow us sufficient time to arrange the accommodation.**

If the contact person cannot be reached using a TTY, the following statement or its equivalent may be included:

**If you use a TTY, contact Wisconsin TRS at 1-800-947-3529 and ask them to place a call to (name) at (phone number).**

- f) Persons requesting materials and/or accommodations shall contact the person designated in the document/and or program announcements. If a person is unsure whom s/he should contact, s/he may call the UWEX Office of Equal Opportunity and Diversity Programs. If contacted, the Office of Equal Opportunity and Diversity Programs shall determine who is responsible for the document/program identified and forward the request to that person.
- g) The program unit shall provide an accommodation following their division's procedure.
- h) If a program unit decides to confirm an individual's disability and assess the appropriateness of the requested accommodations, the unit shall first contact the divisional Title II coordinator.
  - 1) The divisional Title II coordinator shall assess the need for verification of the requester's disability.
  - 2) If the divisional Title II coordinator decides that verification is NOT needed, s/he shall inform the program unit and the accommodation shall be provided.
  - 3) If the divisional Title II coordinator decides that verification is needed, s/he shall follow procedures for verification pre-approved by the Office of Equal Opportunity and Diversity Programs. If pre-approved procedures are not in place, the divisional Title II coordinator shall contact the Office of Equal Opportunity and Diversity Programs for assistance.

**Note: It is critical that information received for verifying a person's disability is kept confidential. Only divisional Title II coordinators and persons authorized by them may receive medical information.**

- 4) The individual requesting an accommodation is responsible for providing the requested information.
- 5) If the individual's disability **IS** verified, the divisional Title II coordinator will advise the program unit to proceed with accommodations following the division's accommodation process.
- 6) If the individual's disability is **NOT** verified, and the Title II coordinator determines that no accommodation is necessary, the coordinator shall notify both the program unit and the individual requesting an accommodation of that decision. The

divisional Title II coordinator shall also explain to the individual requesting accommodation the reasons the accommodation request is being denied.

- i) If the individual denied an accommodation wishes to appeal that decision, s/he shall contact the Office of Equal Opportunity and Diversity Programs. The Office of Equal Opportunity and Diversity Programs shall review the accommodation request and make the final decision as to what, if any, accommodation shall be provided. The Office of Equal Opportunity and Diversity Programs shall communicate its decision in writing to the individual making the accommodation request and the division head of the programming unit. The individual requesting an accommodation may file a grievance as outlined in Part IV of this policy if s/he disagrees with the decision made by the Office of Equal Opportunity and Diversity Programs.

### 3. Documentation

- a) Each division shall collect data on the nature and extent of the services provided to persons with disabilities. This information will conform to UW-System Administration data collection requirements. The Office of Equal Opportunity and Diversity Programs will issue specific guidance as to what information must be maintained and submitted.
- b) **Medical documentation shall be kept in separate confidential files by either the divisional Title II coordinators/designees or the Office of Equal Opportunity and Diversity Programs.**

## **IV. DISCRIMINATION GRIEVANCE PROCEDURES**

University of Wisconsin-Extension has adopted internal grievance procedures to provide prompt and equitable resolution of complaints alleging discrimination against faculty, academic staff and applicants, **EO Policy 004**, and discrimination against students, clientele and applicants, **EO Policy 006**. These procedures apply to any action prohibited by the Equal Employment Opportunity Commission regulations implementing Title I<sup>1</sup> of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act; and the US Department of Justice regulations implementing Title II<sup>2</sup> of the Americans with Disabilities Act.

- a) Complaints should be addressed to the Office of Equal Opportunity and Diversity Programs, 501 Extension Building, 432 N. Lake Street, Madison, WI 53706, (608) 262-0277.
- b) A complaint should be *filed in writing or orally*, contain the name and address of the

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<sup>1</sup>Title I states in part that "no covered entity shall discriminate against a qualified individual with a disability of such individual in regard to job application procedures, the hiring, advancement or discharge of employees, compensation, training and other terms, conditions and privileges of employment."

<sup>2</sup>Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs or activities sponsored by a public entity.

person filing it, and briefly describe the alleged violation of the regulations. A complaint should be *filed within 90 days after* the complainant becomes aware of the alleged violation.

- c) At the time the complaint is filed with the Office of Equal Opportunity and Diversity Programs, the Office of Equal Opportunity and Diversity Programs shall inform the complainant of the procedures which apply to her/his circumstances: **EO Policy 004** for faculty, academic staff and applicants; the relevant **classified personnel procedures and collective bargaining agreements** for classified and/or represented staff; **EO Policy 006** for students, clientele and program applicants. Each of these procedures allows the complainant different options for proceeding. The Office of Equal Opportunity and Diversity Programs shall discuss these options with the complainant to determine which will be used.
- d) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation shall be conducted by a representative of the Office of Equal Opportunity and Diversity Programs. These rules contemplate informal but thorough investigations, if any, and an opportunity to submit evidence of a complaint.
- e) A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the Office of Equal Opportunity and Diversity Programs and a copy forwarded to the complainant no later than 90 days after its filing.
- f) The Office of Diversity and Equal Opportunity Programs shall maintain the files and records relating to the complaints filed.
- g) The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within 30 days to the Chancellor of University of Wisconsin-Extension.

**Note: Use of this grievance procedure is not a prerequisite to the pursuit of other remedies, such as filing a complaint with the appropriate state or federal enforcement agency, nor does use of this procedure extend the applicable deadlines for filing complaints with those agencies.**