

## Request for Accommodations Under the ADA (Americans with Disabilities Act of 1990) and ADAAA (Americans with Disabilities Act Amendments Act of 2008)

Responsible Officer: Vice President for Human Resources  
Sponsoring Department: Human Resources  
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#### I. Definitions

**Disability:** A mental or physical impairment that substantially limits at least one major life activity of an individual, a record of such an impairment, or being regarded as having such an impairment. The term does not include:

- A. A current condition of addiction to the use of alcohol, a drug, an illegal substance, or a federally controlled substance; or
- B. A currently communicable disease or infection as defined in [Section 81.003, Health and Safety Code](#), or required to be reported under [Section 81.041, Health and Safety Code](#), that constitutes a direct threat to the health or safety of other persons or that makes the affected unable to perform the duties of the person's employment.

**Qualified Individual with a Disability:** With respect to employment and/or any program or activity, a person with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

**Undue Hardship:** An action that is excessively costly, extensive, substantial, or disruptive or that would fundamentally alter the nature or operation of the business. In determining undue hardship, factors to be considered include the nature and cost of the accommodation in relation to the size, the financial resources, the nature and structure of the employer's operation, as well as the impact of the accommodation on the specific facility providing the accommodation.

## **II. Policy**

The University of Texas at Arlington is committed to the full and total inclusion of all individuals and to the principle of individual empowerment. To this end, policies and procedures must ensure that any person with a disability will not, on the basis of that disability, be denied full and equal access or otherwise be subjected to discrimination under programs or activities offered by the University. The University of Texas at Arlington is also committed to the principle of Equal Employment Opportunity in the employment of individuals with disabilities.

## **III. Programs include but are not limited to**

Any aid, benefit or services afforded to employees; equal opportunity to participate as a member of governing, policy, planning, or advisory boards; any right, privilege, advantage, or opportunity enjoyed by others.

## **IV. Rights and Responsibilities of The University of Texas at Arlington**

The University of Texas at Arlington recognizes that its basic responsibility is to identify and maintain the technical standards that are fundamental to providing quality programs while ensuring the rights of individuals with disabilities. To meet this obligation, the Office of Human Resources the right and/or responsibility to:

- A. Identify and establish the critical abilities, skills, knowledge, and essential functions or requirements necessary for successful employment and to evaluate applicants and employees on this basis;
- B. Inform our employment applicants and employees, about the availability of auxiliary aids and the range of possible modifications as well as the procedures for requesting them.
- C. Select and administer tests used to evaluate employees so as to best ensure that test results accurately reflect aptitudes or competencies and do not discriminate against an individual with a disability. Tests designed to measure specific skills related to fundamental standards/essential job functions are allowed even when those skills are impacted by the disability;
- D. Evaluate applicants based solely on their abilities. If an evaluation method or criterion unfairly discriminates against an applicant with a disability, the University will seek reasonable alternatives;
- E. Ensure that information and activities are available in accessible formats and facilities;
- F. Ensure that all of its programs, viewed in their entirety, including but not limited to employee privileges and benefits are accessible and usable.

- G. Request documentation from a person requesting a modification and receive documentation from an appropriate professional with regard to requests of modifications. The University of Texas at Arlington has a right to deny a request if the documentation demonstrates that no modification is necessary, or if the individual fails to provide such documentation;
- H. Request a second opinion from an appropriate professional regarding documentation or a modification;
- I. Select among equally effective modifications for individuals with a disability;
- J. Refuse an unreasonable modification or one that imposes an undue hardship on the University. Undue hardship includes (a) impact on operations and business, (b) cost factors involved, and/or (c) the effect on the safety of the requestor or other individuals;
- K. Inform the individual of their right to appeal the decision and the procedures for initiating an appeal, if a request for a modification is denied.

**V. Rights and Responsibilities of Individuals with Disabilities**

An individual with a disability has a right to an equal opportunity to participate in and benefit from programs offered at The University of Texas at Arlington. To ensure this right, employees with disabilities at the University have an equal opportunity, right and/or obligation to:

- A. Work;
- B. Meet and maintain the institution's technical standards, as required of any other employee;
- C. Reasonable modifications in aspects of their employment that limit access, participation, or ability to benefit;
- D. Participate in and benefit from employment, including access to services, benefits, activities, etc., when viewed in their entirety, that are comparable to those provided to any employee;
- E. Advocate for their own individual needs and to seek information, counsel, and assistance as necessary to be effective self-advocates;
- F. Confidentiality of all information and have the right to choose to whom information about their disability will be disclosed;
- G. Demonstrate or document how their disabilities limit their ability to benefit from a particular employment activity or evaluation criteria when they make a request for a modification. If the disability is not obvious, the individual must provide documentation from an appropriate professional;
- H. Information regarding the availability of auxiliary aids and possible modifications as well as procedures for making requests for either;

- I. Follow published procedures for making such requests and to do so in a timely fashion;
- J. Informed of procedures for initiating an appeal of a decision by the institution regarding auxiliary aids or modifications;
- K. Follow published procedures for filing an appeal; and
- L. Be informed of procedures for initiating further appeal of an institutional decision through external channels. This typically would be done through; filing a complaint with the Office of Civil Rights or filing a case through the civil court system.

#### **VI. Procedure for Requesting Modifications or Auxiliary Aids**

- A. Hiring decisions are made on the basis of published criteria for the particular job and without regard to disabilities. Prospective employees are expected to present credentials on their applications that meet the criteria specified in the job announcement.
- B. All employment applications to the University are reviewed according to the same procedures for hiring, regardless of disabilities.
- C. A prospective employee who needs a modification in the hiring process should document such need when the application is requested or submitted.
- D. For those individuals who choose to identify their disabilities in the hiring process, a Human Resource Services representative will review alternative measures for hiring criteria under the following conditions:
  - 1. If the applicant believes that a particular criterion on the job announcement has a disproportionately adverse effect based on his or her diagnosed and documented disability, then he or she may submit a request for a substitution of that criterion.
  - 2. If comparable alternative measures of the same skills, aptitude, or areas of achievement as the job criteria are available, they may be accepted as valid substitutes.
  - 3. Modifications provided in the hiring process do not guarantee that the person will be hired.
  - 4. Any applicant with a disability who needs information about The University of Texas at Arlington, hiring process, an employment application, or any other employment information in an alternative format should contact the Office of Human Resources.

#### **VII. Auxiliary Aids of Long-Term or Permanent Nature**

- A. The University of Texas at Arlington seeks to ensure that an individual with a disability who can meet the technical standards for employment is not excluded from full participation in the programs the University operates because of the absence of necessary auxiliary aids or reasonable modifications.
- B. The University of Texas at Arlington believes that its responsibilities can best be met by assisting employees with disabilities in obtaining auxiliary aids of a long-term or permanent nature from governmental units (such as vocational rehabilitation agencies) or from private charitable organizations (March of Dimes, etc.); Employees with disabilities are expected to take the initiative in identifying and obtaining auxiliary aids and assistance through every reasonable channel available to them. The primary role of The University of Texas at Arlington in this effort should be informative/supportive of active self-advocacy on the part of the employee. The Office of Human Resources will serve as a resource in this process.
- C. If outside agencies cannot provide the auxiliary aids that the employee needs, The University of Texas at Arlington has a responsibility (1) to determine the necessity of that aid and (2) ensure that the employee would not be denied the right to participate in a program, benefit, or service because of the absence of an auxiliary aid that would make participation possible. The following will facilitate this process:
  - 1. Employees who believe they will need an auxiliary aid to participate fully in activities at the University should make those needs known as early as possible, in writing and the employee should keep a copy for his or her records. Ordinarily, to expedite the process, requests should be accompanied by a written medical evaluation of the employee's disability, which contains his/her diagnosis, prognosis and major life function that is substantially limited and the effect that the impairment has on the employee's ability to perform his/her job duties. These requests may be made to the Office of Human Resources.
  - 2. The employee with a disability is encouraged to explore any and all avenues for assistance outside The University of Texas at Arlington. Anyone who is unsure how to contact other agencies should discuss this with the Office of Human Resources.
  - 3. If necessary auxiliary aids are available through outside resources, an employee must request assistance through the Office of Human Resources. When a request is made, the Office of Human Resources will evaluate the request on the basis of the following criteria:
    - a. The disability is documented (usually through an evaluation by a qualified professional);
    - b. The requested auxiliary aid is appropriate to the needs of a person with that type of disability;
    - c. The person will not be able to participate fully as an employee without the aid.

- D. Unless provided by an outside agency, it is the responsibility of The University of Texas at Arlington to provide the auxiliary aid or find a reasonable alternative that will allow an employee full participation unless the request is determined to be unreasonable or will impose an undue hardship on the University.
- E. Every attempt will be made to ensure availability of necessary auxiliary aids at the time the employee begins work. A minimum of four weeks notice should be given to ensure this. In any event, The University of Texas at Arlington must have sufficient time to evaluate the request, determine the aid to be provided, and identify sources for obtaining it (purchasing, leasing, hiring, etc.). Late requests cannot be guaranteed but will be evaluated on a case-by-case basis.
  - 1. Requests for auxiliary aids and all supporting documentation are confidential information and will not be released without the individual's written consent.
  - 2. It is the employee's responsibility to keep the Office of Human Resources informed about the need for auxiliary aids or any other specific need. If the student or employee does not keep the Office of Human Resources informed, the Office of Human Resources cannot be expected to provide the auxiliary aid. To ensure accountability, requests should be made in writing and the employee should keep a copy for his or her records.

#### VIII. **Appeal Procedure**

As a first step, the University strongly encourages informal means of dispute resolution in consultation with the Office of Human Resources, the Americans with Disabilities Act (ADA Coordinator), the department head and the appellant. Individuals who believe to be discriminated against may also file a written complaint with any state or federal agency which has jurisdiction over The University of Texas at Arlington. If an applicant or employee does not reach a satisfactory determination through an informal means with regard to an accommodation, the following appeal process is provided:

- A. Within five (5) working days of the date of the Office of Human Resources' decision, written objection should be filed with the appropriate Vice President. The Vice President will mail a decision to the appellant within ten (10) working days.
- B. The appellant may appeal the decision of the Vice President to the President within five (5) working days of the date of the Vice President's decision. The appeal to the President should specify which findings were based on incorrect information and specify relevant facts that were not included in the determination by the Office of Human Resources and Vice President. The President will mail a decision to the appellant within ten (10) working days. The President's decision is final.
- C. Extensions of time limits in the appeal procedure may be authorized, due to extenuating circumstances, upon written request to the Office of Human Resources.

- D. Failure of an applicant or employee to process an appeal to the next step within the prescribed time limit constitutes abandonment of the appeal.
- E. Failure of management to give an answer within the prescribed time limits authorizes the applicant or employee to process the appeal to the next step.
- F. Time limits include workdays only and do not include Saturday, Sunday, or Holidays.