



## **NORTH CAROLINA A&T STATE UNIVERSITY**

### **CHAPTER 200 – EQUAL OPPORTUNITY AND NONDISCRIMINATION**

#### **UNIVERSITY POLICY 201, DISABILITY AND REASONABLE ACCOMMODATION**

#### **SECTION 201.1 POLICY STATEMENT**

It is the policy of North Carolina A&T State University (“NC A&T” or “University”) to provide reasonable accommodations, as required by law, for individuals due to pregnancy and for qualified individuals with disabilities who are current employees and/or applicants for employment and visitors and guests to the University participating in University programs or activities.

#### **SECTION 201.2 PURPOSE**

The intent of this policy is to ensure that all University programs and activities comply with the Americans with Disabilities Act of 1990, the Pregnancy Discrimination Act of 1978, and the Rehabilitation Act of 1973 § 504 to carry out the University’s commitment to creating an equitable and inclusive environment, recognizing individuals in need of reasonable accommodations due to pregnancy or with disabilities as a valued component of diversity on campus and in our communities.

#### **SECTION 201.3 SCOPE**

This policy applies to all University employees, applicants for employment and visitors and guests to the University participating in University programs and activities.

#### **SECTION 201.4 DEFINITIONS**

- (1) “Disability” means with respect to an individual: (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such an impairment; or (c) being regarded by the employer as having such an impairment.
- (2) “Essential Functions” mean the fundamental duties of a position or the primary reasons the position exists.
- (3) “Genetic Information” means with respect to any individual, information about the individual’s genetic tests, the genetic tests of family members of the individual, and the manifestations of a disease or disorder in family members of the individual, including family medical history, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or

an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

- (4) "Interactive Process" means the informal confidential dialogue between the University and employee to identify a reasonable accommodation.
- (5) "Pregnant" means concerning pregnancy, childbirth, or a related medical condition.
- (6) "Qualified Individual with a Disability" means an individual with a disability who meets the legitimate skill, experience, education, or other requirements of an employment position that the individual holds or seeks, and who can perform the essential functions of the position with or without reasonable accommodation.
- (7) "Reasonable Accommodation" means a modification or adjustment to a job or employment practice, program or a program practice, or the work or environment that makes it possible for a qualified individual with a disability to enjoy equal opportunities as individuals without a disability.
- (8) "Undue Hardship" means an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, the nature and structure of a program, or that would fundamentally alter the operation of a business or structure of a program.

## **SECTION 201.5 PROCESS TO REQUEST A REASONABLE ACCOMMODATION**

### **Section 201.5.1 Employees**

#### **Section 201.5.1.1 Requesting Accommodation**

- (1) Requests for a reasonable accommodation due to a disability should be made as soon as possible to avoid delays in providing a reasonable accommodations.
- (2) Employees requesting a reasonable accommodation must complete and submit the Reasonable Accommodation Request form located on the Division of Human Resources website to the Director of Employee Relations/Affirmative Action Officer in the Division of Human Resources.
- (3) If an employee makes a verbal request for a reasonable accommodation to a supervisor, the supervisor must direct the employee to complete and submit a Reasonable Accommodation Request form to the Director of Employee Relations/Affirmative Action Officer in the Division of Human Resources.
- (4) When applicable and within the expertise of the Department of Environmental Health and Safety, requests for reasonable accommodations will be forwarded to the Director of Environmental Health and Safety for assessment of workspace, air quality, ergonomic issues and needs, etc. The Director of Environmental Health

and Safety will report findings to the Director of Employee Relations/Affirmative Action Officer.

- (5) The Director of Employee Relations/Affirmative Action Officer or designee will communicate the recommendation to the Chief Human Resources Officer department or Division head as applicable, and the employee's supervisor.

#### **Section 201.5.1.2 Documentation of Disability**

- (1) The University may require that a request for reasonable accommodation be supported by medical documentation. If medical documentation is required, the Director of Employee Relations/Affirmative Action Officer or designee will provide the employee with the required forms to be used for completion by the health care provider to advise the University about the employee's functional abilities and limitations as related to the employee's job functions. The employee is responsible for submitting the form and information to the employee's health care provider, and must ensure that the health care provider completes and returns the forms to the University.
- (2) Each employee is responsible for making timely and complete disclosures and specific requests regarding accommodations to enable the Director of Employee Relations/Affirmative Action Officer to provide an appropriate response.
- (3) The University will treat as confidential all requests for reasonable accommodations, related documentation (such as request confirmation receipts, requests for additional information, and decisions regarding accommodation requests), and all disability-related medical information provided to the University and will maintain the information in a file separate from the employee's general personnel file.
- (4) The Genetic Information Nondiscrimination Act of 2008 (GINA) generally prohibits employers from requesting or requiring genetic information of an employee or family member of the employee. Employees and health care providers should not provide genetic information when responding to a request for medical certification to support a request for a reasonable accommodation.

#### **Section 201.5.1.3 Determination of Disability**

After a request for a reasonable accommodation is made, the Director of Employee Relations/Affirmative Action Officer or designee must make a determination of disability, which may include a review of medical documentation. If the employee's condition is determined not to be a disability as defined by applicable law, the Director of Employee Relations/Affirmative Action Officer or designee must notify the employee in writing that the request for accommodation is denied.

#### **Section 201.5.1.4 Interactive Process**

- (1) When the Director of Employee Relations/Affirmative Action Officer or designee

makes a determination of disability, the employee will be notified of the determination and the interactive process will begin. The Director of Employee Relations/Affirmative Action Officer or designee, in consultation with the employee and appropriate department personnel, will:

- (a) Discuss the purpose and essential functions of the employee's job. The Director of Employee Relations/Affirmative Action Officer or designee may request that the supervisor provide the essential functions of the employee's position in writing at the beginning of the interactive process and will request the employee's job description;
  - (b) Determine the job-related limitations created by the employee's disability, including requesting and evaluating documentation from the employee's medical professional;
  - (c) Communicate the job limitations to the appropriate personnel in order to identify the potential accommodations and assess the effectiveness of each accommodation that may enable the employee to perform the essential functions of the job.
- (2) While the employee's preference for reasonable accommodation will be considered, the University will determine the reasonable accommodation most appropriate for both the University and the employee in writing, and establish a timeline for evaluating the effectiveness of the accommodation, if appropriate.
  - (3) If the employee seeking the reasonable accommodation or the employee's hiring unit disagrees with the Director of Employee Relations/Affirmative Action Officer or designee's accommodation decision, the Chief Human Resources Officer will make the final determination as to the appropriate reasonable accommodation.
  - (4) Once an appropriate reasonable accommodation has been decided, the employing unit will implement the agreed accommodation.
  - (5) If, at a later time a question about the effectiveness of the reasonable accommodation or employee's ability to perform the essential functions of the job with the reasonable accommodation arises, the employee or supervisor may contact the Director of Employee Relations/Affirmative Action Officer to re-engage in the interactive process.

### **Section 201.5.2 Applicants for Employment**

- (1) A job applicant requesting a reasonable accommodation must inform the hiring supervisor, the Director of Employee Relations/Affirmative Action Officer, or Chief Human Resources Officer of the need for an accommodation.
- (2) Hiring officials who are notified by an applicant of a need for accommodation shall contact the Office of Employee Relations/Affirmative Action Office for assistance. The Director of Employee Relations/Affirmative Action Officer or Chief Human Resources Officer will discuss the needed accommodations and possible alternatives

with the applicant.

- (3) The Director of Employee Relations/Affirmative Action Officer or Chief Human Resources Officer will make a decision regarding the request for accommodation and, if approved, take the necessary steps to ensure that the accommodation is provided.

### **Section 201.5.3 Employee and Employment Applicant Administrative Remedies for Denial of Reasonable Accommodation**

- (1) Employees who are dissatisfied with the decision pertaining to their accommodation request may file a grievance in accordance with the applicable University grievance policy based on their classification.
- (2) Applicants for employment who are dissatisfied with the decision pertaining to their accommodation request may submit a complaint in accordance with University Policy 209, Unlawful Harassment and Discrimination.

### **Section 201.5.4 Visitors, Guests, and Program Participants**

- (1) The University also must provide reasonable accommodations to individuals who attend and/or participate in University-sponsored events and request accommodations. The sponsoring University department is responsible for securing reasonable accommodations, and is expected to bear the cost of reasonable accommodations that are provided.
- (2) Participants in University programs or activities, visitors, guests, or members of the public who need a reasonable accommodation because of a disability should contact the sponsoring University department with as much advance notice as possible. The University is required to provide a reasonable accommodation for individuals with a disability, but is not required to provide the specific accommodation requested.
- (3) The sponsoring department must not require that requestors provide protected health information to any employee of the department or unit, and may seek assistance from the Division of Human Resources or Department of Environmental Health and Safety as necessary.
- (4) Visitors, guests, or members of the public reporting a violation of this policy or denial of reasonable accommodation should submit a written report outlining their complaint to Vice Chancellor overseeing the program or activity.

### **Section 201.5.5 Pregnant Individuals**

Any employee, applicant for employment, or participant in any University program or activity in need of a reasonable accommodation due to pregnancy should contact the Title IX Office at 336-285-3770 or 336-500-1803 or [TitleIX@ncat.edu](mailto:TitleIX@ncat.edu).

Anyone reporting a denial of reasonable accommodations due to pregnancy, sexual or gender-based harassment or discrimination in violation of this policy or University Policy 207, Title IX Sex-Based Misconduct may submit the report to the Title IX Coordinator via the Title IX website at <https://www.ncat.edu/legal/title-ix/how-to-report.php>; telephone to 336-285-3770 or 336-500-1803; email to [TitleIX@ncat.edu](mailto:TitleIX@ncat.edu); or by mail to North Carolina A&T State University Title IX Office, 1601 East Market Street Greensboro, NC 27411.

## **SECTION 201.6 EXCEPTION TO PROVIDING ACCOMMODATION**

The University must make a reasonable accommodation for any qualified individual with a disability unless it would impose an undue hardship or fundamentally alter the operation of the University's business, program, and activity. The University is not required to provide accommodations that are unduly expensive, substantial, or disruptive. The University will not provide personal use items needed to accomplish daily activities (e.g., eyeglasses, hearing aids, prosthetic limbs, or a wheelchair).

## **SECTION 201.7 RETALIATION PROHIBITED**

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured under this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing regarding violation of this policy.

## **SECTION 201.8 REPORTING**

The University may investigate any conduct that violates this policy, even in the absence of a formal complaint, and take remedial and/or disciplinary action as appropriate.

### **POLICY HISTORY:**

Policy Eff. March 22, 2011  
Revised: September 19, 2022

**AUTHORITY:** Chancellor

**POLICY OWNER:** Associate Vice Chancellor for Human Resources/Chief Human Resources Officer

**RESPONSIBLE OFFICE:** Employee Relations Office

### **RESOURCES:**

Americans with Disabilities Act of 1990  
Americans with Disabilities Act Amendments Act of 2008  
Family and Medical Leave Act of 1993  
Pregnancy Discrimination Act of 1978  
Section 504 of the Rehabilitation Act of 1973

UNC Code, Chapter 1, § 103  
UNC Policy 1300.11, Policy on Title IX Sexual Harassment  
University Policy 207, Title IX Sex-Based Misconduct  
University Policy 209, Unlawful Harassment and Discrimination