

## **Section I - The Boston College Reasonable Accommodation Process**

In accordance with the Americans with Disabilities Act, and the Rehabilitation Act of 1973, Boston College will provide a reasonable accommodation to qualified people with disabilities (including special disabled veterans) to enable them to safely and effectively perform the essential functions of their positions, to enjoy equal benefits and privileges of employment whether as faculty, staff or student employees, or for applicants to participate in the employment application process.

The Office for Institutional Diversity (the OID) has primary responsibility for reviewing reasonable accommodation requests, overseeing the interactive process and ultimately deciding whether an accommodation should be granted. For that reason managers, supervisors, deans and department heads and others (hereafter responsible persons) and in the case of applicants, the Employment Office or applicable deans who receive notification of an accommodation request should immediately notify the OID of the fact and make certain the individual requesting the reasonable accommodation receives a copy of this policy and the Accommodation Request Form. Retaliation against an individual requesting a reasonable accommodation is prohibited by law.

### **Requests Made by Applicants for Employment**

Applicants for employment who believe a reasonable accommodation is required to enable them to participate in the application process should, in the case of applicants for faculty positions inform the dean of the relevant school or college, and in the case of applicants for a staff position inform the Employment Office at 617 552-3330. If an applicant has concerns about assistance provided during the application process related to a reasonable accommodation question, he/she should contact the OID directly.

### **Requests Made by a Current Faculty or Staff Member to a Responsible Person within their Organization**

Faculty or staff have the option of initiating an accommodation request directly with the OID or through an appropriate responsible person. For faculty who choose not to initiate a request directly thru the OID, the responsible person is his/her department chairperson or dean. For staff (including student employees) choosing not to initiate their request through the OID, the responsible person is their supervisor or manager. When a responsible person receives such a request, he/she should immediately notify the OID and pass along any relevant information which may have already been brought to their attention.

### **Requests Arising Out of Observations Made by a Responsible Person**

Responsible persons should be mindful while engaging employees in conversation about their ability to perform essential job functions that employees may not directly request an accommodation but might rather describe a difficulty they may be having with a particular essential function. When such a conversation leads a responsible person to believe that the employee has a disability, or know or have reason to know the employee is experiencing workplace issues because of a disability, or know or have reason to know a disability prevents the employee from requesting an accommodation, he/she should ask the employee in confidence whether a reasonable accommodation is needed to help perform the essential functions of their job. At this time the employee should be provided with a copy of this policy, and a copy of the Reasonable Accommodation Request Form. The responsible person should then immediately notify the OID that they have reason to believe a reasonable accommodation may be warranted and forward any relevant information that may have been brought to their attention up to that point in time to the OID.

### **The Interactive Process**

After a request for accommodation has been made, the next step is for the parties to begin an interactive process to determine what, if any, reasonable accommodation should be provided. This means that the individual requesting the accommodation, the OID and other appropriate parties must communicate with

each other about the request, the precise nature of the disability, how the disability is prompting the need for an reasonable accommodation, and alternative reasonable accommodations that may be effective in meeting an individual's needs.

Under this process the OID will review the request and any initial response or information provided by the employee and/or responsible person or department. The employee may be asked to provide additional information, including additional medical documentation to support a reasonable accommodation.

In some situations the OID may request the confidential assistance of a consulting internal or external medical provider. If the consulting medical provider needs to contact the employee's medical provider for further information the employee will be asked to sign a release. The consulting medical provider will communicate the results of his/her review to the OID and the independent medical review will be at the University's cost.

If the review of the employee's information and supporting documentation indicates a reasonable accommodation may be justified, the OID and the responsible person will consult with the employee and attempt to identify reasonable accommodation options that may be effective in meeting an employee's needs. In some cases, the Disability Services Office and/or the Office of Environmental Health and Safety or other offices in the University may be consulted to provide technical assistance regarding what reasonable accommodations might be appropriate and/or available. The Office of the General Counsel may also be asked to provide guidance.

The employee will be informed, within a reasonable period of time, of the final action taken on the reasonable accommodation request, including what, if any, reasonable accommodation will be provided. The OID will record the final action taken on the Reasonable Accommodation Request Form.

### **Confidentiality**

Information gathered under this process will be deemed confidential. It may be disclosed however to the employee's supervisor/manager(s) and other personnel who require it to assess the need for, implement, or monitor a reasonable accommodation. This information may also be disclosed to personnel called on to provide emergency medical treatment to the employee, or government officials investigating compliance with disability related or other laws or regulations.

Any written or other information regarding an employee's medical status, including that provided via the Reasonable Accommodation Request Form, will be maintained in a confidential medical file separate from the employee's personnel and benefit files. A responsible person or any other person who has participated in the evaluation or implementation of an reasonable accommodation request must not share information about an employee's medical condition or disability with other employees, or inform other employees that an accommodation has been requested or provided because of a co-worker's medical condition or disability, unless the employee reporting the medical condition or disability has consented to the disclosure.

### **Assignment of Financial Responsibility for Reasonable Accommodation within the University**

With respect to the question of financial responsibility associated with providing a reasonable accommodation, the University will initially look to the employee's home department to absorb the cost of an accommodation. In the event an otherwise reasonable accommodation would result in a financial burden on the employee's home department, a formal written request for additional support should be presented by the home department head to the dean of the school or college or the appropriate vice president and to the OID. If the cost is too great to be born at that level, the request will be referred to the Vice President of Human Resources for discussion with the Provost or Executive Vice President, as

appropriate.

### **Undue Hardship/Alternative Accommodations**

If a proposed accommodation would cause an undue hardship because it would impose significant difficulty or expense, or if a proposed accommodation would not enable the employee to perform the essential functions of the job, an alternative accommodation may be proposed or the accommodation request may be denied. Undue hardship is determined on a case-by-case basis taking into account the structure and overall resources of the University as well as the financial and administrative relationship between the accommodated employee's home department and the University at large.

Unless an alternative reasonable accommodation that does not cause an undue hardship can be devised, for current Boston College employees, the Employment Office or the Provost will be notified as early in the process as possible so they can provide general guidance regarding employment options including evaluating open positions the employee is qualified for (with or without a reasonable accommodation) to determine whether any might be suitable for the employee in question and providing application assistance and support where appropriate.

In the case of disabled veterans, the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) requires that when an accommodation request is denied on the basis of an undue hardship, a review of external funding sources will be conducted with the Department of Veteran Affairs, Mass Rehabilitation, or other Massachusetts state resources and the disabled veteran will be afforded an opportunity to cover the cost of the accommodation out of their own resources.

### **Appeals**

An employee may speak with the Executive Director for Institutional Diversity or the Vice President for Human Resources to clarify the reason for a reasonable accommodation determination. If an employee wishes to appeal the reasonable accommodation determination, he or she should follow the Grievance Procedures as outlined in the Work Environment Section of the Employee Handbook, provided that an employee may elect to commence the appeal at the second level of review under these Grievance Procedures.

Questions about the reasonable accommodation process for applicants and employees with disabilities should be addressed to the OID, Judy Z. Ferres, Associate Director