The University’s Obligation to Provide Accommodations

101.3 Reasonable Accommodations for Individuals with Disabilities. In accordance with the Americans with Disabilities Act Amendments Act of 2008, Boston University provides reasonable accommodation to qualified individuals with disabilities who require them to safely and effectively perform the essential functions of their positions, or to participate in the employment application process.

When an employee or applicant for employment requests a reasonable accommodation, it is the employer’s responsibility to determine whether he or she has a disability for which an accommodation is required, what constitutes an appropriate accommodation, and whether the accommodation requested is reasonable and feasible. This decision is made by appropriate University officials on a case by case basis through an interactive process with the individual requesting an accommodation, which often includes review of appropriate documentation from the individual’s medical provider. It is the responsibility of the individual requesting
accommodation to provide sufficient information, upon request, to support the need for the accommodation requested.

Requesting Accommodations

APPLICANTS
An applicant for a non-faculty position who requires an accommodation during the application process should inform Human Resources on the Charles River or Medical Campus as appropriate. An applicant for a faculty position who requires an accommodation during the application process should inform the dean of the relevant school or college.

EMPLOYEES
A non-faculty employee should notify his or her supervisor about the need for accommodation; a faculty employee should notify his or her department chairman or dean. Any employee may also request an accommodation through the Equal Opportunity Office. In some cases, an employee may request that the Equal Opportunity Office not disclose to his or her supervisor the disability for which an accommodation has been requested. The Equal Opportunity Office will honor this request whenever possible. Whether a request not to disclose can be honored will depend on whether it is necessary for the employee’s supervisor, department chairman, or dean to know the nature of the disability in order to assist in the decision regarding appropriate accommodations.

The Reasonable Accommodation Process

When a supervisor, department chairman, or dean receives a request for reasonable accommodation, he or she should provide the employee with the Accommodation Request Form. The Accommodation Request Form is also available from the Equal Opportunity Office or Human Resources. The form should be completed by the employee and then returned to the supervisor, department chairman, or dean, as appropriate, or the employee may send the form directly to the Executive Director of Equal Opportunity at the Equal Opportunity Office, 19 Deerfield Street, Floor 2, Boston, MA 02215.

When the supervisor, department chairman, or dean receives the completed Accommodation Request Form from the employee, he or she should immediately contact the Executive Director of Equal Opportunity to determine the appropriate course of action. He or she should send a copy of the form to the Executive Director of Equal Opportunity, along with any other
relevant information.

The Executive Director of Equal Opportunity will review the request and the department’s initial response to the request. The employee may be asked to provide additional information, including medical documentation of the disability and the need for the requested accommodation. If, after the employee has provided documentation, the nature or extent of the medical condition described by the employee is unclear, more information is needed about the functional limitations imposed by the medical condition, or the relevance or efficacy of the requested accommodation to the reported disability is unclear, the Executive Director of Equal Opportunity will request the Director of the Occupational Health Center to review the request and the supporting documentation. The Director of the Occupational Health Center may need to contact the employee’s medical provider for further information; if so, the employee will be asked to sign a release. The Director of the Occupational Health Center will communicate the results of this medical review to the Executive Director of Equal Opportunity.

If the review of the employee’s information and supporting documentation indicates that a reasonable accommodation is warranted, the Executive Director of Equal Opportunity and/or the supervisor, chairman, or dean will consult with the employee to establish an effective and feasible accommodation that will enable the employee to perform the essential functions of the job. In some cases, Disability Services and/or Environmental Health & Safety may be consulted for technical assistance regarding what accommodations are appropriate and available. The Office of the General Counsel may also provide guidance, particularly if it appears that a requested accommodation imposes an undue hardship or that the employee cannot perform the job effectively or safely even with accommodation.

Within a reasonable period of time, the employee will be informed of the final action taken on the accommodation request, including what, if any, accommodation will be provided. The Executive Director of Equal Opportunity will record the final action taken on the Accommodation Request Form.

Confidentiality

Information provided through the reasonable accommodation process must be kept confidential, with the exception of disclosure to the employee’s supervisor(s) and other personnel who need to be informed in order to assess requests for, implement, or monitor accommodations. Information may also be provided to personnel called on to provide
emergency medical treatment to the employee, or government officials investigating compliance with disability laws or regulations.

Any written information regarding an employee’s medical condition, including the Accommodation Request Form, must be kept separate from the employee’s regular personnel file. A dean, department chairman, supervisor, or any other person who has participated in the evaluation or implementation of an accommodation request must not share information about an employee’s medical condition or disability with other employees, or inform other employees that an accommodation is being 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.

Financial Responsibility for Accommodations

Individual departments are responsible for the costs, if any, associated with the provision of reasonable accommodations. In the event that an otherwise appropriate accommodation would result in excessive financial burden to a particular department, a formal written request for additional funding should be presented by the dean of the school or college or the appropriate vice president to the University Provost or the Executive Vice President, as appropriate, outlining the accommodation requested, the cost, and any other information that would be helpful in considering the funding request.

Complaints

If an employee wishes to make a complaint about the manner in which an accommodation request was handled, or about perceived discrimination by the department against the employee based on the disability and/or request for accommodation, the complaint should be directed to the Executive Director of Equal Opportunity. If the complaint arises out of an action of the Executive Director of Equal Opportunity, it should be filed directly with the Associate Vice President for Human Resources.

Questions about reasonable accommodation of applicants and employees with disabilities should be addressed to the Equal Opportunity Office. Please contact the Executive Director of Equal Opportunity.
For students see Disability Services.

Categories: Disability Accommodations, Employment, Workplace Keywords: handicap, staff