

Policy Change Cover Sheet

This form must be completed for each policy presented. All areas in **red** including the header must be filled in or it will be sent back to you for completion. Gender-inclusive language should be used in revised and new policies submitted to SCC.

*If the revisions you are requesting include housekeeping changes, please submit the housekeeping changes first. The SCC Secretary will notify you once the housekeeping changes have been made and you can submit the Policy Change Cover Sheet at that time. Please submit housekeeping changes to ndsuscc@ndsu.edu.

Refer to the [NDSU Senate Coordinating Council process](#) for more information about housekeeping changes.

Policy Number and Name: SECTION 168 REASONABLE ACCOMMODATION ON THE BASIS OF DISABILITY - GUIDELINES FOR EMPLOYEE REQUESTS

Effect of policy addition or change: Explain the important changes in the policy or effect of this policy. Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s):

As the new ADA Coordinator, I worked with the Director of Human Resources, Legal Counsel and the new Director of the Center for Accessibility and Disability Resources to review the work of the adhoc ADA Policy 168 Review Committee* and move forward a revised policy that incorporates their efforts to more effectively support employees with disabilities. As such, the attached draft seeks to do the following.

- Simplify the policy for ease in understanding by all stakeholders;
- Clarify the roles of the ADA Coordinator and Office of Human Resources in addressing all employee accommodation requests;
- Align with ADA regulations and EEOC guidance;
- Replace dispute resolution with request for reconsideration, simplify process and keep decision making with subject matter experts;
- add a section on employee notification to increase employees' awareness of their right to request accommodations.

*Members of the adhoc ADA Policy 168 Review Committee included Dan Friesner, chair, Mark Coppin, Alan Kallmeyer, Kristina Astrup, Cali Anicha, Erika Berg, Sarah Boonstoppel, Kristine Paranca

Is this a federal or state mandate: **Yes** No

This policy applies to (check all that apply): Students **Staff** **Faculty** Other (please describe): inclusive of student employees and graduate students on assistantship

Individual/Department/Committee or Organization submitting the policy change: Laura Oster-Aaland, Vice Provost for Student Affairs and Institutional Equity (current ADA Coordinator)

Date Submitted to SCC Secretary: 10/4/2024

Email address of the person who should be contacted if revisions are requested: laura.oster-aaland@ndsu.edu

NDSU's Strategic Plan Inclusivity and Diversity Goal Checklist*. Create and maintain an open and collegial environment to promote inclusivity and diversity as a cornerstone of education, research, and outreach. Sub-Goal: Design and implement additional programming, curriculum, outreach opportunities, and **policies** that uphold inclusivity, diversity, respect, and connection. **Please address each item in the checklist below:**

Checklist items	Yes	No	N/A	Comments
The <i>social</i> impact on students, staff, faculty, others was considered (e.g. encourages a positive sense of community through an ethic of care, compassion, collaboration and/or belonging).	X			A primary motivation for this policy review is to improve the daily workplace experience for NDSU employees with disabilities
The <i>economic</i> impact on students, staff, faculty, others was considered.	X			These policy improvements are intended to support the retention of NDSU employees with disabilities and to contribute to their opportunities for career advancement
The <i>physical health</i> impact on students, staff, faculty, others was considered (e.g. facilitates healthy lifestyle choices, meeting of basic human needs, and/or a safe physical environment).	X			These policy changes are intended to support employees with disabilities in requesting and obtaining workplace accommodations that are necessary for their health and wellbeing, inclusive of changes to the physical environment if needed.
The <i>mental health</i> impact on students, staff, faculty, others was considered (e.g. supports skills and habits to manage stress, strengthen resilience, reduce substance abuse, and promote help seeking).	X			ADA accommodations include all aspects of disability, inclusive of mental health; moreover, a truly inclusive workplace supports all employees by reducing the frequency of daily stressors experienced by members of marginalized communities
Inclusive language is used (i.e. gender pronouns are not used or are inclusive, race/ethnicity, religion, etc.).	X			
Input from the key stakeholders (students, staff, faculty, other) was sought and included during the development/revision of the policy	X			The adhoc ADA Policy 168 Review committee collaborated over 3 semesters to review this policy. New ADA Coordinator worked collaboratively with HR Director, Legal Council, and Director of CADR to revise original work to this version.
Input was sought from on-and off-campus offices, departments, and organizations to ensure the policy is responsive to community needs.	X			https://www.ada.gov/ada_intro.htm https://www.washington.edu/doit/universal-design-process-principles-and-applications https://askjan.org/publications/consultants-corner/Recertifying-the-Ongoing-Need-for-Accommodation.cfm

This policy contributes to creating an environment that is safe and conducive to living, learning, working, and recreating.	X			See comments above
The policy addresses evaluation, including a person/office/entity responsible for tracking outcomes that ensure changes are positive.	X			The ADA coordinator will continue to be responsible for following this policy, and will work with HR to provide regular notices to employees (once per year at a minimum).
This policy, as written, can be enforced/implemented/applied in a sustainable manner (e.g. human resources, financial resources needed, etc.)	X			

The SCC Secretary will keep record of all actions taken on this policy change request on the SCC policy tracking spreadsheet. You will be notified once the policy has been approved and updated or if further revisions are requested.

* The President’s Council for Campus Wellbeing is committed to integrating a “Health in All Policies” approach when current policies are revised and new policies are developed. Why a “Health in All Policies” approach? Policies have health effects—positive and negative—on the communities and the people they affect. In fact, the World Health Organization estimates that the social, economic and environmental factors of a community influence up to 55% of a person’s wellbeing. Health in All Policies (HiAP) is an approach that integrates health into decisions and policy-making.

North Dakota State University

Policy Manual

SECTION 168

REASONABLE ACCOMMODATION ON THE BASIS OF DISABILITY - GUIDELINES FOR EMPLOYEE REQUESTS

SOURCE: NDSU President

1. NDSU is committed to providing equal opportunity to both applicants for employment and employees (including student employees and graduate students) with disabilities by providing reasonable accommodations when needed in order to complete the essential functions of their position. ~~To fulfill this commitment, NDSU has established the following guidelines.~~

NDSU's ADA Coordinator is responsible for coordinating with Human Resources and University programs to assure compliance with the Americans with Disabilities (ADA) Act, Sections 503 and 504 of the Rehabilitation Act of 1973, and other federal and state laws and regulations pertaining to persons with disabilities.

2. APPLICANTS for employment:

- 2.1 Applicants for employment who have a disability may request reasonable accommodation at any time during the application process. Requests for accommodation shall be made to the Office of Human Resources and arrangements for accommodation will be assessed as immediately as possible. If the request is made verbally, Payroll. Applicants will be asked to confirm the request in writing, ~~provided,~~ however, the arrangements for accommodation may be initiated prior to ~~receipt~~ of the written request.

2-3. EMPLOYEES: (inclusive of student employees and graduate students on paid assistantships):

- 3.1 Request for reasonable accommodation.
An employee whose disability requires a formal reasonable accommodation in order to perform the essential functions of their job may request reasonable accommodations through the Human Resources Department either formally or informally at any time during their employment. If the request is made verbally to the ~~However, in all instances the request for reasonable accommodation shall be processed through the~~ Human Resources Department, employees will be asked to confirm the request. Human Resource's response will be in writing, however, the arrangements for accommodation may be initiated prior to the receipt of the written request.

The Human Resources Department's assessment of the request for accommodation response will be in writing. Supervisors receiving requests for accommodation from employees shall direct the employee to contact Human Resources in order to address their need for a reasonable accommodation.

- 3.2 Process for addressing requests for accommodation.
~~Informal accommodation requests shall be made by the employee either in person or in writing to the Office of Human Resources/Payroll.~~

Formal accommodation requests shall be made in writing by the employee using the Employee ~~Accommodation Request for ADA form found on the Human Resources Website.~~ The completed form shall be submitted to the Office of Human Resources, ~~Payroll.~~ When the office of Human Resources receives an employee request for Accommodations(s), HR will begin the interactive process described below, which will include the employee, their supervisor, HR, and/or relevant unit or department personnel. In addition, the employee shall provide to the Office of Human Resources/Payroll relevant, written documentation of a disability from an appropriately certified or licensed health care or rehabilitation professional in a relevant field of the disability and explain the need for reasonable accommodation using the Medical Inquiry Form in Response to a Request for an Accommodation . To ensure a written timely response from Human Resources, it is recommended that the employee submit the documentation (form) within ten working days of the employee's written accommodation request. Both forms are available on the NDSU forms page or by request from the Office of Human Resources/Payroll.

Where appropriate and allowed by the ADA, the Office of Human Resources may request additional medical documentation. Where permitted, the request will be limited to verifying that the employee has an ADA disability and to request information about the functional limitations that create the need for accommodation, assuming this information is not obvious.

NDSU will engage in an interactive process to determine reasonable accommodations. The employee with a disability, the Office of Human Resources, and relevant unit or program personnel will collaborate in an informal problem-solving process to identify the specific work-related limitations resulting from the disability, the nature of the barrier that is generating the request, and the potential reasonable accommodations(s) that may be effective in removing barriers to the employee's performance of essential functions of their positions.

The interactive process involves:

- i. Analysis of the particular job involved to determine its purpose and essential functions.
- ii. Consultation with the employee with a disability to ascertain the specific job-related limitations imposed by the individual's disability and how those limitations could be overcome with a reasonable accommodation.
- iii. In consultation with the employee to be accommodated, identify potential accommodations and assess the effectiveness of each in enabling the employee to perform the essential functions of the position.
- iv. Accommodations should be assessed at regular intervals as requested by the employee, supervisor or the Office of Human Resources and adjustments made as necessary. Documentation for any adjustments will be documented by the Office of Human Resources.

3.3 Documentation of disability and need for accommodation.

Documentation provided by an employee should include all information requested in the Employee Request for Reasonable Accommodation form. In certain cases, alternative documentation (for example, previous accommodations) may be submitted. the following:

- ~~a) A statement identifying the disability, the date of the current diagnostic evaluation and the date of the original diagnosis, including diagnostic criteria and/or tests used.~~
- ~~b) A description of the current functional impact of the disability.~~
- ~~c) Treatments, medications, assistive devices/services currently prescribed or in use.~~
- ~~d) A description of the expected progression or stability of the impact of the disability over time.~~
- ~~e) The relevant credentials of the diagnosing professional(s) such as medical specialties or professional licensure.~~

While documentation from a medical professional is important, it is not the sole determiner of appropriate accommodations. The documentation is used to support the accommodations determined through the interactive process. NDSU will only ask for documentation that is necessary to determine appropriate accommodations. NDSU may ask the employee to work with their health care provider to generate ideas – in some cases health care professionals are able to suggest effective accommodations. In other cases, they may not be able to suggest ideas, but may be able to say whether ideas under consideration will help remove barriers to the employee's work-related performance. Any medical examination required under these circumstances will be limited to determining the existence of a disability and the functional limitations that require reasonable accommodation.

~~3.3.2. All written documentation provided by an employee requesting accommodation will be maintained in a confidential file separate from the employee's official personnel file in the Office of Human Resources/Payroll.~~

~~3.3.3. Occasionally, the documentation provided by the employee may not be sufficient to make a determination of the appropriate reasonable accommodation. In such a circumstance, the University may require the employee to go to a health care professional of the University's choice in order to adequately document the need for accommodation and identify appropriate accommodations. Any medical examination required under these circumstances will be limited to determining the existence of a disability and the functional limitations that require reasonable accommodation.~~

~~3.3.4. Any costs related to the University's request for the additional medical documentation described in 3.3.3 above will be the responsibility of the University.~~

3.4 Student Employees

Occasionally, an employee may also be a student at the University, and accommodations may be requested to accommodate both their employment, as well as for their education. In such cases, the Center for Accessibility and Disability Services will serve as the initial point of contact, and may share relevant information with the Office of Human Resources to streamline both accommodation request processes, and to ensure that the employee/student does not need to submit the same documentation twice.

4. REQUEST FOR RECONSIDERATION

4.1 Once a The determination of a reasonable accommodation has been made, an employee may request a review of the accommodation by the ADA Coordinator/designee who will consult with qualified personnel.

4.2 In instances where new information becomes available that would constitute the need for a change in accommodation, the ADA Coordinator/designee will refer the request back to Human Resources to engage in the interactive process. shall be an interactive process involving the employee, Office of Human Resources/Payroll and relevant administrative personnel. The University may provide an alternative to the requested accommodation so long as it is effective in removing the workplace barrier(s) that impede(s) the employee with the disability. The employee may refuse an alternative reasonable accommodation, but such refusal may mean the individual may not be able to perform the essential functions of the job, which may require a fitness for duty evaluation under NDSU Policy 161: Fitness for Duty.

~~4.1 An applicant or an employee with a disability, as defined by law, who is dissatisfied with the response to their request for reasonable accommodation and wishes to appeal, may do so in writing to the Office of Human Resources/Payroll within ten working days of the response.~~

~~4.2 An Accommodation Review Board (ARB) will be assembled to review the appeal to the response. Following their review, they will make a recommendation to the NDSU ADA Coordinator. The final decision will be made by the NDSU ADA Coordinator and communicated to the employee and Human Resources in writing within ten working days of the receipt of the ARB's recommendation.~~

~~4.2.1 Members of the ARB shall include:~~

~~Director of Human Resources/Payroll or Designee~~

~~Director of (Student) Disability Services or Designee~~

~~Vice Provost for Faculty and Equity or Designee~~

5. EMPLOYEE NOTIFICATION

5.1 The Office of Human Resources will regularly inform supervisors and employees on the process for requesting formal accommodations.

HISTORY:

New	October 13, 1999
Amended	May 6, 2014
Housekeeping	June 29, 2015
Housekeeping	September 17, 2015
Housekeeping	January 10, 2020
Housekeeping	October 25, 2021
Housekeeping	August 3, 2023