



TEXAS TECH UNIVERSITY™

Operating Policy and Procedure

OP 40.04: Access for Individuals with Disabilities

DATE: October 10, 2017

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to ensure full and equal access to individuals with disabilities to all University programs.

REVIEW: This OP will be reviewed in November of odd-numbered years by the Campus ADA Coordinator, the Office of Equal Opportunity, the Office of Human Resources, and the Office of the General Counsel, with substantive revisions forwarded to the Office of the President.

POLICY

1. Policy

Texas Tech University is committed to the full inclusion of all qualified individuals. As part of this commitment, persons with disabilities will not be subject to discrimination or denied full and equal access to academic programs, employment, activities, benefits, and services offered by the University on the basis of their disability. This policy applies to all students, employees (faculty, staff, or student), volunteers, and visitors.

2. Definitions

- a. Disability – A physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.
- b. Qualified Individual – An individual who, with or without reasonable accommodation, has the requisite skills, experience, and knowledge, and can meet all essential requirements of their program or perform all essential functions of their job/position.
- c. Programs – Includes all academic programs, employment, activities, benefits, or services offered by the University.
- d. Reasonable Accommodation – A modification or adjustment that:
 - (1) will enable a qualified individual to participate in a program and does not make a fundamental alteration to program requirements; or
 - (2) will enable an individual to participate in the application process or to perform essential job functions; or
 - (3) will allow equal access to University programs; and

- (4) does not create an undue hardship for the University

3. Rights and Responsibilities

a. Individuals:

Individuals with disabilities have the right to an equal opportunity to participate in and benefit from all programs, including employment, offered by the University. Individuals who choose to exercise these rights:

- (1) Have a right to reasonable accommodations.
- (2) Are responsible for initiating the accommodation process in a timely manner by identifying themselves as needing reasonable modifications to the environment, policy, or practice, and/or needing reasonable auxiliary aids or services.
- (3) Are responsible for providing appropriate documentation that describes the current need for an accommodation, any history of past accommodations in a similar context, and the impact of their disability in the university environment in sufficient detail to provide a rationale for the requested accommodation.
- (4) Are expected to actively participate in the identification and discussion of reasonable accommodations.
- (5) Have the same obligation as non-disabled individuals to meet and maintain the University's performance standards, technical standards, and codes of conduct.
- (6) Will be evaluated based on their ability to meet the essential elements of their academic program or perform their essential job functions.
- (7) Have the right to be informed of procedures for initiating further appeal of or complaint about a University decision.

b. The University:

The University has a responsibility to identify and maintain standards that are fundamental to its programs while still ensuring access for qualified individuals with disabilities. In meeting these obligations, the University:

- (1) Will identify and establish the abilities, skills, and knowledge necessary for initial and ongoing participation in its programs, including employment, and evaluate individuals on that basis.
- (2) Will inform individuals about the availability of accommodations.
- (3) May request and review documentation in support of an accommodation request and may refuse a request that is unsupported by appropriate documentation.
- (4) May select between equally effective methods of accommodating an individual with a disability.

- (5) Will make reasonable modifications to the environment, policy, or practice, and/or provide reasonable auxiliary aids or services.
- (6) May refuse a requested accommodation that fundamentally alters an essential element or fundamental aspect of a program, including job responsibilities, or creates an undue hardship for the University.
- (7) Will inform the individual of the availability of any appeals or complaint processes.

4. Responsible Offices:

Individuals with questions regarding this policy or needing accommodations for a disability should contact the appropriate offices listed below:

| Position or Office | Responsibilities | Contact Information |
|--|--|--|
| Office of Human Resources—Deputy ADA Coordinator for Employees | Consults with applicants, employees (faculty, staff, or student), and supervisors on reasonable accommodations in the workplace and other disability related matters. | 806.742.3650 2518 15th Street http://www.depts.ttu.edu/hr/ADA/ |
| Office of Equal Opportunity | Consults with individuals with complaints of noncompliance with University disability policies and/or state and federal disability laws and investigates disability related complaints of discrimination and harassment involving employees. | 806.742.3627 eeo@ttu.edu System Administration Bldg. 1508 Knoxville, Suite 208 |
| Student Disability Services | Consults with individuals on reasonable accommodations for students and other student disability related matters. | 806.742.2405 335 West Hall http://www.depts.ttu.edu/sds/ |
| ADA Campus Coordinator | Consults with individuals, including members of the public, and coordinates with other University offices on reasonable accommodations and other disability related matters. | 806.834.5714 335 West Hall http://www.depts.ttu.edu/sds/ |

5. Requests For Accommodation

- a. Members of the Public – Members of the public needing accommodations for a campus event or activity, may contact the ADA Campus Coordinator at 806.742.2405.
- b. Students – Students needing academic accommodations, please refer to [OP 34.22, Establishing Reasonable Accommodation for Students with Disabilities](#), or contact Student Disability Services at 806.742.2405.
- c. Employees and Applicants for Employment
 - (1) Applicants: Applicants for employment who need a disability related accommodation should contact Human Resources Talent Management.
 - (2) Employees: Employees (faculty, staff, or student) who need a disability related accommodation should make the request to their immediate supervisor. Alternatively, any employee may make a request directly to Human Resources Talent Management.
 - (a) Upon receiving a request for accommodation from an applicant or employee, Human Resources Talent Management will:
 - Review and discuss the request with the applicant or employee.
 - Discuss the request with the Hiring Manager or Supervisor, if applicable.
 - Verify the disability which may require documentation from a treating healthcare provider or medical certification as set forth below.
 - Review the essential functions of the job.
 - Facilitate discussion between the employee and the supervisor regarding possible accommodations.
 - Consult with the Office of the Provost, as warranted, regarding faculty accommodations.
 - (b) Medical Certification
 - An employee seeking a disability related accommodation must, upon request, submit appropriate medical certification to Human Resources Talent Management from a treating healthcare provider to substantiate the employee's disability and/or the need for accommodation. Human Resources Talent Management will provide this form to employees.
 - The employee, not the University or the treating healthcare provider, is responsible for submitting the required medical certification to Human Resources Talent Management within 15 days of the date the certification is requested.

- Failure to provide the requested medical certification within 15 days may result in a delay of the accommodation process.

(c) Leave as a Reasonable Accommodation

In certain circumstances, time off from work or a modified duty schedule may be a reasonable accommodation. The University has policies relating to both paid and unpaid leave. Human Resources Talent Management can advise employees regarding applicable leave policies, including [OP 70.44, Sick Leave and Sick Leave Pool](#), [OP 70.32, Family and Medical Leave Act \(FMLA\) and Parental Leave](#), [OP 70.43, Leave Without Pay](#), or [OP 70.01, Miscellaneous Leaves of Absence](#).

- (3) Supervisors: Supervisors who receive a disability related request for accommodation should contact Human Resources Talent Management immediately to review and discuss the requested accommodation.

Any Supervisor who, during the course of job performance counseling, is informed by an employee that a physical or mental condition may be affecting the employee's work performance should refer the employee to Human Resources Talent Management to determine whether there is a need for a disability related accommodation.

6. Complaints

- a. Applicants, employees (faculty, staff, or student), or members of the public who have concerns about violations of this policy or who wish to file a complaint of discrimination or harassment based on a disability should contact the Office of Equal Opportunity or file a complaint pursuant to [OP 40.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure for Violations of Employment and Other Laws](#).
- b. Students who have a concern about violations of this policy or who wish to file a complaint related to their academic program should contact Student Disability Services at 806.742.2405.

7. Confidentiality

The University will maintain the confidentiality of all medical records concerning employees and students. These records will be kept separate from personnel files and educational records and will be accessible only to authorized personnel.

8. Authoritative References

Americans with Disabilities Act
Section 504 of the Rehabilitation Act of 1973
Texas Labor Code, Chapter 21

9. Right to Change Policy

Texas Tech University reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without the consent of the employees.