



STANDARD ADMINISTRATIVE PROCEDURE

08.01.02.M0.01 Reasonable Accommodation Requests under the Americans with Disabilities Act (ADA) and Other Applicable State and Federal Laws

Approved November 7, 2019

Revised March 10, 2021

Revised May 27, 2021

Next Scheduled Review: May 27, 2026

Standard Administrative Procedure (SAP) Statement

Texas A&M University (TAMU) is committed to providing equal access and opportunity to employees, students, applicants for employment and admission, and others with disabilities in compliance with the ADA, as amended. TAMU will also provide reasonable accommodations for sincerely held religious beliefs in accordance with the Texas Labor Code, and/or for employees who qualify under the Pregnancy Discrimination Act of 1978 and Section 7(r) of the Fair Labor Standards Act, if the requested accommodation does not constitute an undue hardship. This SAP details the requirements for employees to request reasonable accommodations and engage in the interactive process.

Definitions

Definitions related to the ADA and reasonable accommodations are contained in *System Regulation 08.01.02, Civil Rights Protections for Individuals with Disabilities*.

Qualified Individual – defined in System Regulation 08.01.02.

Procedures and Responsibilities

1. EMPLOYEE ELIGIBILITY

- 1.1. To be eligible for a reasonable accommodation, an employee must be a Qualified Individual and submit a request for reasonable accommodation as specified in this procedure.

2. RESPONSIBILITIES

- 2.1 Employee Relations (ER) - monitors the reasonable accommodation review and approval process by working with Human Resource (HR) Liaison(s) and/or Supervisor(s) to evaluate requests and determine approved accommodations. ER will notify Faculty Affairs when requests involve faculty to address any academic impact.
- 2.2 HR Liaison and Supervisor - receives requests for reasonable accommodations from current employees and applicants for employment, conducts an assessment of the reasonable accommodation requests, engages in the interactive process with employees and applicants, works with ER to ensure accommodations approved are reasonable, implemented, and working as planned.
- 2.3 ADA Coordinator - oversees ADA compliance at the University.
- 2.4 Civil Rights and Equity Investigations (CREI) – receives and investigates complaints of discrimination, harassment, or related retaliation based on applicable laws.
- 2.5 Disability Resources – reviews, assesses, and determines student requests for accommodations, coordinates with faculty and staff, manages the testing administration center, and assists with providing assistive technology assessments and other disability related needs for students.
- 2.6 University Sponsors –works with visitors to address accessibility and any specific accommodation requests.

3. SUBMITTING THE REQUEST FOR ACCOMMODATION:

3.1 Non-Employees (Students, Applicants, Volunteers, and Visitors)

Non-employees submit a request for reasonable accommodation to the following persons, as applicable:

- 3.1.1 Applicants: Applicants should contact the respective Human Resources Office
 - 3.1.1.1 TAMU and TAMUQ - employee-relations@tamu.edu or 979-862-4027
 - 3.1.1.2 TAMUG – HR@tamug.edu or 409-740-4532
- 3.1.2 Students: Students should contact the respective Disability Resources or Disability Services Office
 - 3.1.2.1 TAMU - disability@tamu.edu or 979-845-1637
 - 3.1.2.2 TAMUG – Studentservices@tamug.edu or 409-740-4736
 - 3.1.2.3 TAMUQ – stephen.wilson@qatar.tamu.edu or +974-4423-0047
- 3.1.3 Visitors: Visitors (unrelated third parties) should contact the university sponsor of the event/activity.
- 3.1.4 Volunteers: Volunteers should contact the Department Head or Unit Head in the area where they are volunteering.

3.2 Employees:

- 3.2.1 Faculty and staff should submit requests for reasonable accommodation to their department HR Liaison or supervisor as directed below.

4. PROCEDURE FOR EMPLOYEES

4.1 **Requesting a reasonable accommodation**

Employees must submit the request for a workplace accommodation either in writing or verbally to either the employee's supervisor or HR Liaison. For ADA related accommodations, the following documentation is needed to support each reasonable accommodation request:

- *ADA and Other - Request for Accommodation Form*
- For ADA requests: *Medical Certification Form* or if the employee elects to not use this form, the medical provider must submit written documentation that includes the same information as requested on this form. This information must be complete and provide clear information so that the request may be properly evaluated.

Employees needing assistance with completing forms may contact their supervisor, HR Liaison, or ER.

4.2 **Interactive process**

4.2.1 The HR Liaison and supervisor must engage in discussions with the employee regarding the accommodation requested, essential job duties, functional limitations included in the documentation, range of possible accommodations, etc. This process will also include, at times, ER and the ADA Coordinator.

4.3 **Assessment of a reasonable accommodation request**

4.3.1 Once the completed *ADA and Other - Request for Accommodation Form* and the *Medical Certification Form (if needed)* (noted in section 4.1), or other acceptable documentation is received, the HR Liaison and supervisor will:

- 4.3.1.1 Engage in the interactive process with the employee;
- 4.3.1.2 Review the documentation to determine if the requested accommodation is reasonable;
- 4.3.1.3 Send a copy of these forms to ER;
- 4.3.1.4 Work with ER to review accommodations requested and/or any alternate accommodations;
- 4.3.1.5 If the employee or medical provider submits incomplete or unclear documentation, work with ER who will draft clarifying questions for the medical provider. ER will then contact the medical provider and ask the questions or request the employee to submit the questions to the medical provider for completion; and
- 4.3.1.6 ER reserves the right to request a second opinion from a medical provider selected by the University.

- 4.4 The following factors will be considered in determining whether to grant an accommodation:
- 4.4.1.1 Is the employee a person with a Disability as defined by System Regulation 08.01.02;
 - 4.4.1.2 Is the employee a Qualified Individual with a disability as defined in System Regulation 08.01.02;
 - 4.4.1.3 Does the information submitted establish a link between the disability and the accommodation requested;
 - 4.4.1.4 What is the extent that job functions are limited by the individual's disability;
 - 4.4.1.5 What are the essential and non-essential functions of the employee's current job;
 - 4.4.1.6 What is the range of options available to accommodate the disability;
 - 4.4.1.7 Will the requested accommodation be effective in allowing the employee to perform the essential functions of their current position;
 - 4.4.1.8 Will an alternate accommodation be effective in allowing the employee to perform the essential functions of their current position;
 - 4.4.1.9 Will providing an accommodation that allows the employee to perform the essential functions of their current job create an undue hardship for the University;
 - 4.4.1.10 Does the accommodation pose a direct threat to the employee or others; and
 - 4.4.1.11 Any other factors relevant to the determination.

4.5 **Determination of accommodations and notice**

- 4.5.1 ER will determine the effective accommodation(s).
- 4.5.2 If an accommodation is granted, the HR Liaison will fill out an *ADA and Other - Accommodation Summary & Response Form* and notify the employee, the employee's supervisor, ER and *others in need of this information* in writing. Notifications should include what accommodations have been granted and when the accommodation(s) is expected to be provided. The department and supervisor will take the necessary steps to put the accommodation in place and are responsible for funding the accommodation.
- 4.5.3 If an accommodation is going to be denied, the HR Liaison or supervisor must notify ER of the reason for the denial. ER will obtain approval of the denial from the ADA Coordinator before a written determination is issued by the department to the employee.
 - 4.5.3.1 ER will submit an *ADA and Other - Accommodation Summary & Response Form* to the ADA Coordinator for review. This review may result in a request for ER to re-evaluate the requested accommodation or consider other alternate accommodations.

4.5.3.2 Denials of a requested accommodation will be approved by the ADA Coordinator under circumstances including, but not limited to, the following:

4.5.3.2.1 The requested accommodation poses an undue hardship on the operations of the University;

4.5.3.2.2 The requested accommodation is a personal item which is used for accomplishing daily activities both on or off the job (examples prosthetic limbs, wheelchairs, hearing aids);

4.5.3.2.3 The requested accommodation would require eliminating or changing the essential functions of the employee's current job;

4.5.3.2.4 The employee failed to participate in the interactive process, to provide or release medication information needed to make the accommodation determination, or to submit other information as needed by the University;

4.5.3.2.5 The requested accommodation will not enable the employee to perform the essential functions of their job;

4.5.3.2.6 The requested accommodation or the employee's use of that accommodation would result in a direct threat to the health and safety of the employee or others;

4.5.3.2.7 There is no known accommodation which would allow the employee to do the essential functions of the job; and/or

4.5.3.2.8 The requested accommodation is not supported by the medical documentation.

5. RECORDKEEPING AND REPORTING

5.1 ADA related documentation, forms and all medical records related to any request for accommodation will be maintained in the employee's confidential medical file.

5.2 Other requests for accommodations will be maintained in the employee's personnel file.

6. COMPLAINTS

6.1. Complaints alleging illegal discrimination, harassment, or related retaliation will be handled in accordance with provisions of System Regulation 08.01.01, *Civil Rights Compliance* and associated University Rules and SAPs.

Related Statutes, Policies, Rules and SAPs

[System Policy 08.01, *Civil Rights Protections and Compliance*](#)

[System Regulation 08.01.01, *Civil Rights Compliance*](#)

[System Regulation 08.01.02, *Civil Rights Protections for Individuals with Disabilities and Certain Other Employees*](#)

[University Rule 08.01.01.M1, Civil Rights Compliance](#)

[SAP 08.01.01.M1.01, Investigation and Resolution of Allegations of Discrimination, Harassment, Retaliation, and/or Complicity Against Students, Employees, and Third Parties](#)

[SAP 29.01.04.M1.01, Web Accessibility and Usability Procedures \(including Linking and Indexing\)](#)

[SAP 33.06.01.M0.01, Alternate Work Location for Non-Faculty Employees](#)

Appendix

Other guidance and resources can be found at <https://orec.tamu.edu/ada/>

Forms

[ADA and Other - Request for Accommodation Form](#)

[ADA and Other - Accommodation Summary & Response Form](#)

[ADA – Medical Certification Form](#)

[ADA and Other - Accommodation Discussion Notes Form](#)

Contact Offices

Employee Relations in the Division of Human Resources and Organizational Effectiveness
(979) 862-4027
Employee-Relations@tamu.edu

ADA Coordinator
(979) 845-8115
ADA.Coordinator@tamu.edu