
Subject: Policy for University Accommodations of Persons with Disabilities

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1. Purpose

The purpose of this policy is to provide guidelines to the university community to assure compliance with the [Virginia Tech Affirmative Action Plan](#), the *Americans with Disabilities Act of 1990 (ADA)*, the *Rehabilitation Act of 1973 (Revised)*, the *Americans with Disabilities Amendments Act (ADAAA)*, and [Policy Memorandum 178, Accommodation of Disabilities](#). Additionally, this policy supports the intention of the Principles of Community and is a tool to increase access and inclusion. In Policy 4075, the university community refers to employees, including faculty, classified staff, university staff, wage employees (collectively, employees), students, and applicants for employment and admission.

The intent of the Americans with Disabilities Act of 1990 (ADA) is to limit actions or decisions that would adversely impact access to any programs, services, or benefits. Federal law and Virginia Tech's Anti-Discrimination and Harassment Prevention [Policy 1025](#) prohibit discrimination or harassment of employees, students, or applicants on the basis of a disability. In addition, retaliation against a person for asserting their rights under these laws and policies is not permitted.

This includes admissions/academics for students, and employment actions or decisions in job application procedures, hiring, advancement, discharge, training, benefits, compensation, terms, conditions, or privileges of employment to any individual(s) solely by reason of that person's disability.

2. Policy

The university has designated the [University ADA Services](#) for employees and visitors and [Services for Students with Disabilities \(SSD\)](#) for students as the offices that obtain and file disability related and medical documents, assist in the development of *reasonable accommodations*, and assist in developing plans for the provision of such accommodations as listed in Section 3.

2.1 Covered Individuals

Policy 4075 covers qualified employees, applicants, students, and visitors who have a disability. The *Americans with Disabilities Act of 1990* and the *Rehabilitation Act of 1973 (Rev)* define disability as:

- a person who has a physical or mental impairment that substantially limits one or more major life activities;
- a person who has a record of such an impairment; or
- a person who is regarded as having such an impairment.

The ADA also:

- prohibits discrimination against individuals based on their relationship or association with a person with a disability;
- prohibits retaliation or coercion against individuals who opposed any acts made unlawful by the ADA, participated in the enforcement process, or encouraged others to exercise their rights under the ADA; and
- covers part-time employees/students and applicants regardless of national origin or status.

2.1.1 Drug and Alcohol Use and Addiction

If other criteria in this policy are met, a person who is alcoholic or recovering from alcoholism may have a disability under this policy. In addition, “disability” may include a person who has recovered from drug addiction and has ceased engaging in the illegal use of drugs, and is either participating in a supervised rehabilitation program or has been rehabilitated successfully.

However, an individual’s alcoholism or drug addiction cannot be used to shield an employee from the consequences of poor performance or conduct that result from these conditions. In addition, nothing in this policy prevents the university from taking appropriate corrective action against individuals for using alcohol or illegally using drugs in the workplace, or for being under the influence of alcohol or such drugs in the workplace.

2.2 Reasonable Accommodations

Virginia Tech is committed to providing reasonable accommodations to members of the university community to enable them to participate as fully as possible in all aspects of the university’s work, learning, programs, and other activities.

An individual may request assistance or reasonable accommodation by contacting University ADA Services (UADAS) or Services for Students with Disabilities (SSD) as appropriate. Additionally, if an individual states to a supervisor or faculty member that a physical or mental condition may be interfering with his or her ability to work, the supervisor or faculty member should promptly refer the individual to UADAS or SSD to discuss possible accommodation. It is not necessary for the individual specifically to use the terms “disability” or “accommodation.”

Example: An employee expresses concern to her supervisor that she is having severe migraines that are causing her to be late to work. She does not mention the terms disability or accommodation, but she has stated that she is having difficulty due to a physical condition. This would be a cue for the supervisor to refer the employee to UADAS for possible accommodation.

Example: A faculty member notices a student who is very capable in class and seems to know the material, but does not perform well on multiple-choice tests. The student reports that he reads slowly and has always had difficulty with multiple-choice exams. While the student may not use the term “disability” or mention needing modifications, this would be a cue to refer the student to SSD for possible accommodation.

2.2.1 Undue Hardship

Virginia Tech is not required to provide accommodations that would present undue burden to the institution or change the fundamental nature of a program.

2.3 Harassment, Discrimination, and Retaliation

Harassment or discrimination based on a disability is illegal. Virginia Tech prohibits harassment or discrimination on the basis of disability under its Anti-Harassment and Discrimination Prevention Policy, [Policy 1025](#).

The ADA also prohibits retaliation against individuals who exercise their rights under the ADA or assist others in exercising their rights.

Claims of harassment, discrimination or retaliation under this policy should be pursued with the university's Director for Compliance and Conflict Resolution, (540) 231-9331.

2.4 Confidentiality and Release of Information

Disability-related information is to be treated as confidential medical information. For example, University faculty and staff do not have a right or a need to access diagnostic or other information regarding the disability of an employee, applicant, or student; they only need to know what accommodations are necessary or appropriate to meet the individual's disability-related needs. If an employee or student has requested an accommodation through the ADA or SSD offices,, the individual will be informed as to what information is being provided to the department or supervisor regarding the request. To limit access to confidential files, all disability-related information must be filed with the appropriate office listed in Section 3 and kept separate from other employee or student files. *Departments or individuals should not keep any copies of such documentation within departments or offices.*

Information may be released under the following circumstances:

1. an employee or student disability file may be released to non-university personnel pursuant to a court order or subpoena;
2. an employee or student may give written authorization for the release of information when she or he wishes to share it with others;
3. an employee or student poses a direct threat; and
4. The release or disclosure is otherwise permitted by law.

The appropriate offices (as listed in Section 3) will retain a copy of all information provided. An employee or applicant has the right to review his or her own disability file.

3. Procedures

3.1 Obtaining Accommodations

The University has procedures to provide accommodations that can be found at www.hr.vt.edu/employeescorner and www.ssd.vt.edu/. Individuals requesting accommodations are encouraged to meet with the appropriate office to identify needs, present appropriate documentation, and to discuss accommodations. **Faculty, managers, and supervisors are encouraged to discuss providing formal accommodations with the appropriate office listed below.**

Applicants for Employment, Staff, Faculty, Student Wage Employees, Visitors to Campus: Employment Accommodations including interpreting services	University ADA Services Voice: 540-231-4638 TTY: 540-231-7227 adainfo@vt.edu
Student Requests: Academic accommodations including interpreting services Employment accommodations for GA, GTA and RA's and work study students.	Services for Students with Disabilities Voice: 540-231-3788 TTY: 540-231-1740 ssd@vt.edu
Harassment or Discrimination	Compliance & Conflict Resolution Human Resources Voice: (540) 231-9331
Harassment or Discrimination: Caused by a Student	Office of Student Conduct Voice: 540-231-3790 TTY: 540-231-8718 studentconduct@vt.edu Dean of Students Office Voice: 540-231-3787 www.dos.vt.edu

A flow chart illustrating the accommodation process can be found at www.ada.vt.edu/resources.

3.2 Appeal and Complaint Process

Appeals of any decisions made or actions taken, including complaints of discrimination on the basis of a disability, should be directed to the university's Director for Compliance and Conflict Resolution.

www.hr.vt.edu/harassment/harassment-discrimination-main.html.

4. Definitions

- **Accessible** - Easy to approach, enter, operate, participate in, or use safely and with dignity.
- **Essential Functions of a Job** - those fundamental job duties that must be performed in order to accomplish the overall goal of the position.
- **Major Life Activities** – includes functions such as: caring for oneself, performing manual tasks, breathing, seeing, reproducing, speaking, walking, hearing, learning, and working. In some instances the following may also be considered “major life activities”: sitting, standing, lifting, reaching, sleeping, thinking, eating, reading, climbing, traveling, concentrating, interacting with others, and ability to control basic bodily functions.
- **Mental Impairment** - any psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- **Physical Impairment** - any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense

organs, respiratory, cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin and endocrine.

- **Qualified Person with a Disability** - a person who meets the legitimate skill, experience, education or other requirements for a position, and who can perform the *essential functions* of the position with or without a reasonable accommodation.
- **Reasonable Accommodation** - modification, adjustment or placement that will enable a qualified individual with a disability to perform the essential job functions or participate in educational programs, so long as such accommodation does not impose an undue hardship on the university. Reasonable accommodations do not change the fundamental elements of a program or eliminate the essential functions of a job.
- **Substantially Limits** - inability to perform a major life activity, or significant restriction as to the conditions, manner, or duration under which an individual can perform a particular major life activity.

5. References

42 U.S.C. §12101, *et seq.* Americans with Disabilities Act, 1990; www.ada.gov/pubs/ada

Rehabilitation Act of 1973

[*The Faculty Handbook*](#)

[*Virginia Tech Staff Handbook*](#)

[*Policy 4032, Recruitment Guidelines for On and Off-Campus Wage and Salaried Classified Positions*](#)

[*Policy 1025, Anti-Discrimination and Harassment Prevention Policy*](#)

6. Approval and Revisions

- Revision 0

Approved July 10, 1991, by Associate Vice President for Personnel and Administrative Services, Ann Spencer.

- Revision 1

Wording changes and clarification of language. Clarification of departmental responsibilities. Inclusion of all university employees in procedures.

Approved April 16, 1993, by Associate Vice President for Personnel and Administrative Services, Ann Spencer.

- Revision 2

Changed contact person for staff concerns.

Approved April 16, 1993, by Associate Vice President for Personnel and Administrative Services, Ann Spencer.

- **Revision 3**

Procedural revisions were made in conjunction with the EOAA Office to clarify accommodation processes. The title was also changed to reflect the revisions.

Links were established to the appropriate web sites for policies and forms referenced.

Approved February 18, 1999, by Executive Vice President, Minnis E. Ridenour.

October 10, 2001: Technical corrections to update policy links and name change for the Commonwealth of Virginia's Department of Human Resource Management (formerly Department of Personnel and Training).

- **Revision 4**

Policy title changed from "Accommodations of Employees and Applicants with Disabilities" to "Policy for University Accommodations of Persons with Disabilities."

Expanded policy to include students and responsibilities of the Services for Students with Disabilities Office. Wording changes and clarification of supervisor's responsibilities. Removed detailed procedures for requesting accommodations. Updated offices for accommodations/resources. General re-ordering to facilitate ease of use. Links updates.

Approved June 30, 2010 by Vice President for Administrative Services, Sherwood G. Wilson.

November 11, 2010: Technical correction to remove obsolete Human Resources TTY phone number from Section 3.1.