Reasonable Accommodation in Employment
Policy Statement

Discrimination on the basis of disability is prohibited by both state and federal laws (including the Americans with Disabilities Amendments Act of 2008), which offer certain individuals protection against discrimination in employment and other areas. The following is the official policy of the University of Massachusetts:

Trustees’ Statement on Affirmative Action and Equal Opportunity  (Doc. T92-034)

The University of Massachusetts recognizes that Affirmative Action is mandated by Federal and State Law and affirms its commitment to those laws.

The University wholeheartedly supports and encourages the development of action programs designed to promote the employment and advancement of women, Blacks, Hispanics, Asians, Native Americans, persons with disabilities, and Vietnam era Veterans as a means of assuring compliance with the provisions of campus Affirmative Action plans.

The University firmly supports the concept of equal opportunity without regard to an individual’s race, color, religion, gender, sexual orientation, national origin, disability, or veteran status as it applies to his/her employment, admission to and participation in the University’s programs and activities, provision of services, and selection of vendors who provide services or products to the University.

An individual who qualifies for this protection by virtue of disability is someone who (a) has a physical or mental impairment which substantially limits one or more major life activities, (b) has a record of such impairment, or (c) is regarded as having such an impairment. “Major life activities” are such functions as:

1. caring for oneself
2. performing manual tasks
3. walking
4. seeing
5. hearing
6. speaking
7. breathing
8. learning

The University is required under these laws to provide such individuals with reasonable accommodations that will help them in performing their jobs or in applying for employment. The University determines first if a request for accommodation is reasonable; if so, it is implemented in a timely fashion, using such resources as are available.

In granting a request, the University will give primary consideration to the particular accommodation requested, but may instead choose to provide a suitable and effective alternative accommodation. In cases
where the request for accommodation is denied, or where the suitability of effectiveness of an alternative is questionable, the requestor may appeal this decision, as described in this statement.

**Procedures**

An employee or applicant for employment who requires an accommodation should file a Request for Accommodation Form with Dr. Lori Corcoran in the Office of Diversity and Inclusion (617.287.6587, lori.corcoran@umb.edu).

The steps below describe the process of requesting reasonable accommodation as it applies to job applicants and to current employees.

**For Job Applicants:**
Applicants who wish to request an accommodation for the interview process itself (e.g. a sign language interpreter) should submit a copy of the Request for Accommodation Form, as soon as possible, to the ADA/§504 Compliance Officer who will make the decision to grant or deny the request. If the requested accommodation (or a suitable alternative) is granted for the job applicant’s interview process, the search committee chair will implement the accommodation for the interview. If necessary, the interview will be rescheduled so that the accommodation can be made.

An applicant who has been selected for an interview may wish to request an accommodation that would enable him/her to perform the duties of the job **if hired**. The applicant who so wishes should file a copy of the Request for Accommodation Form with the ADA/§504 Compliance Officer as described for employees (see below).

The ADA/§504 Compliance Officer, in collaboration with the search committee chair, shall determine if the request (or suitable alternative) is reasonable and the applicant could be reasonable accommodated if chosen for the position, either through the accommodation requested or through an alternative accommodation. If it is decided that a reasonable accommodation is possible for the applicant, the applicant’s credentials shall then be considered by the search committee without regard to the disability.

**For Current Employees:**
An employee should file a Request for Accommodation Form with the ADA/§504 Compliance Officer, as described above, and inform his/her immediate supervisor. The immediate supervisor is responsible for notifying the appropriate unit head that the request has been made.

The ADA/§504 Compliance Officer, in collaboration with the immediate supervisor, shall determine if the request is reasonable, or if there is a reasonable alternative accommodation. In the event that the ADA/§504 Compliance Officer and the immediate supervisor cannot reach agreement, the employee may invoke the Appeal Procedure (attached).

**For Student Employees:**
The student applicant/employee should file a Request for Accommodation Form with the ADA/§504 Compliance Officer, as described above, and inform the Student Employment Office (for student applicants) or his/her immediate supervisor (for student employees) of the request.

The ADA/§504 Compliance Officer, in collaboration with the immediate supervisor, shall determine if the request is reasonable, or if there is a reasonable alternative accommodation. In the event that the ADA/§504 Compliance Officer and the immediate supervisor cannot reach agreement, the student may invoke the Appeal Procedure. In the case of a student applicant, if it is decided that a reasonable
accommodation is possible, the applicant’s credentials shall then be considered by the search committee or other hiring authority without regard to the disability. If the applicant is hired, the reasonable accommodation decided upon shall be implemented by the supervisor.

Provision of Reasonable Accommodation

If the determination is made that the accommodation is reasonable, the accommodation shall be provided as soon as possible. If there is to be a lapse of more than 14 calendar days, the ADA/§504 Compliance Officer shall notify the requestor and the immediate supervisor in writing of the reason for the delay. When necessary, an interim solution shall be devised by the immediate supervisor until the reasonable accommodation can be implemented.

Any expenditure necessary to providing the accommodations shall be authorized from the Reasonable Accommodations Fund. The person responsible for implementation should contact the ADA/§504 Compliance Officer to request the funds. All equipment and materials purchased in these accommodations for employees remain the property of the University, and are inventoried by the ADA/§504 Compliance Officer.

Appeal Procedure

Appeal of the Decision to Grant Accommodation
In cases where the request for accommodation is granted, this decision can be reversed only by a letter from the Chancellor of the University of Massachusetts Boston, after consultation with the ADA/§504 Compliance Officer and the Chief Diversity Officer.

Appeal of the Decision to Deny Accommodation
In cases where the request for accommodations is denied or the decision for an alternate accommodation is unacceptable, the requestor may take the steps described below:

- **For job applicants and student job applicants**: Submit the request for appeal in writing to the Chief Diversity Officer within 5 business days of receipt of notification that the request for accommodation was denied. This is the final stage of appeal for job applicants.

- **For employees and student employees**: Submit the request for appeal in writing to the Chief Diversity Officer within 10 business days of receipt of notification that the request for accommodation was denied. This is the final stage of appeal for employees and student employees.

Flexibility of Time Limits
The time limits listed above may be extended if circumstances warrant it, but in each case the reason for the extension should be documented before or at the time the appeal is made. The person or persons hearing the appeal shall have the authority to grant or deny such extensions.

Recourse Beyond the Campus
An applicant or employee has the right to file a complaint with an appropriate outside agency – such as the Office for Civil Rights or the Massachusetts Commission Against Discrimination – regarding the denial of his/her appeal made by representatives of the University.