



## **EMPLOYEE ACCOMMODATION PROCESS**

### **Policy Statement**

The College is committed to providing accommodations for eligible individuals with documented disabilities as defined by federal and state law in the most timely and effective manner possible under applicable laws and regulations. The College's intent is to ensure every employee (faculty, staff and student employees) who makes a request for an accommodation under the Americans with Disabilities Act (ADA) or the Iowa Civil Rights Act is promptly and properly advised of the accommodation process. The College is committed to following the requirements of the ADA and all appropriate federal and state laws, rules and regulations.

All new and revised requests for accommodation are to be submitted in writing on the appropriate form(s) and with the appropriate supporting documentation to the College's ADA Officer for consideration and review. The review of the request may, at the discretion of the College, include an evaluation and determination of the scope of the disability and, if appropriate, requests for additional medical documentation, examinations and/or opinions. Accommodation decisions may be appealed through the designated appeals process.

### **Procedure to request an accommodation by/for an employee**

1. The employee and/or the employee's immediate supervisor (department chair for faculty) shall contact the ADA Officer for assistance in applying for accommodation. No department, unit, college or individual may grant any accommodation under ADA, whether formal or informal, without first receiving approval of the ADA Officer.
  - a. If an employee's supervisor makes the request for accommodation on behalf of the employee, the employee must then work with the ADA Officer directly. Only that information absolutely necessary shall be shared with the employee's supervisor. The employee's supervisor should not act as an advocate or surrogate for the employee.
  - b. The ADA Officer shall assist the employee in all ways reasonably possible in completing the ADA process in a timely and efficient manner.
2. The employee shall submit all requests in writing to the ADA Officer. Any information submitted shall be considered confidential and may be shared only with those who have a need to know in accordance with federal and/or state law. The ADA Officer shall make the determination of the need to know in consultation with the applicable department or administrative unit. Failure to submit any request in writing may result in delay and/or denial of accommodation requests.

3. Relevant medical information should be submitted to the ADA Officer.
4. The employee shall respond to all requests for complete documentation within reasonable timeframes set by the ADA Officer.
5. The employee shall respond in a timely manner as determined through the discretion of the ADA Officer to requests for additional medical opinions and/or independent medical examinations as may be necessary.
6. The employee shall be responsible for the expenses of providing acceptable documentation, which may include the costs of necessary medical examinations needed to render an acceptable medical decision. If, upon review and at the sole discretion of the College, the ADA Officer determines additional medical opinions are necessary, the College shall be responsible for the additional costs.
7. Failure to provide all requested medical documentation, including any additional medical documentation as may be required and/or failure to submit to an independent medical examination may, at the discretion of the College, result in denial of any or all request(s) for accommodation.
8. The ADA Officer should evaluate and consult with appropriate College procedures and resources including the employee's immediate supervisor to determine if the employee is to be accommodated. The ADA Officer must make the following necessary determinations for each ADA accommodation request:
  - a) The nature of the disability. This determination may, at the discretion of the College, require proof of actual diagnosis by an appropriate medical care professional, with appropriate documentation supporting the diagnosis. The documentation listed in Appendix A shall be the minimum documentation to be supplied by the employee.
  - b) Whether the disability limits the employee from carrying out the essential function(s) of the employee's position.
  - c) The essential function(s) affected by the disability.
  - d) The type of accommodation that is (are) reasonable.
9. What constitutes a reasonable accommodation will vary depending upon the circumstances of each case. In evaluating alternatives, the preferences of the individual are considered, but the ultimate decision regarding what accommodation, if any, is granted lies within the sole discretion of Grinnell College.

10. The ADA Officer should issue a written decision and accommodation plan to the employee within a reasonable time upon receipt of the written request for accommodation. A reasonable time is necessarily flexible, taking into consideration such factors as the complexity of the request, cooperation of the employee, any need for additional medical documentation and/or opinions.
  - a. The ADA Officer will assure verification of receipt by the employee of the written decision.
  - b. The accommodation plan will be sent to the immediate supervisor or any other person involved in the implementation of the decision and plan.
  
11. The employee and/or the department or administrative unit may appeal the decision of the ADA Officer in accordance with the colleges Appeals Process.

### **Disability Discrimination**

If a student, faculty member or staff member believes that he/she/zi has been discriminated against based on disability, he/she/zi should follow the procedures set forth in the College's nondiscrimination policy. This grievance process for disability-based discrimination is separate from the accommodation appeal process below. This grievance process may be pursued in conjunction with an accommodation appeal, in the absence of an accommodation appeal, or after the conclusion of an accommodation appeal. Also, at any time during these processes the aggrieved student, staff member, faculty member or visitor may also seek guidance from the [College's Ombuds Office](#).

### **Accommodation Appeals Process**

Any member of the community who believes that he/she/zi has been denied equal access in the form of accommodations, auxiliary aids, or other modifications, may pursue remedy.

This accommodation appeal process may be initiated only after an employee engages the College's standard process for making accommodations for an employee with a disability.

1. In instances where there is disagreement concerning the appropriateness of the requested accommodation, implementation of the accommodation, or any other concern related to the accommodation, the employee should contact the Assistant Dean for Disability Resources to discuss the concern. If the employee has a concern related to the decisions made by the Associate Chief Diversity Officer, the employee can request that the Director of Human Resources (for staff) or the Dean of the College (for faculty) review the process and/or decision. The Associate Chief Diversity Officer will have three business days to resolve the appeal on an informal basis and will provide the employee and any other relevant parties (e.g., the faculty member) with the outcome of the informal resolution in writing. If an informal resolution cannot be reached, the Associate Chief Diversity Officer will notify the employee and any other relevant parties in writing, and the decision in question will stand unless a formal appeal is requested.

2. The employee may also initiate a formal appeal by contacting the Associate Chief Diversity Officer for Disability Resources—who serves as the college's ADA compliance officer, ideally within three (3) business days of receipt of the notice of the failure of informal resolution attempts. The employee should provide the Associate Chief Diversity Officer for Disability Resources with a description of the accommodation grievance, the facts supporting the employee's position, and a description of the desired outcome. (If the employee needs assistance in describing the grievance and desired outcome, he/she/zi may request help from a member of the College community including the Associate Chief Diversity Officer or the college Ombuds.)
3. The Associate Chief Diversity Officer will review all pertinent facts and circumstances regarding the alleged violation. This may include interviewing other involved parties and gathering all such information as he/ she/zi believes is necessary. The Associate Chief Diversity Officer will have ten (10) business days to investigate and reach a conclusion. The Associate Chief Diversity Officer will provide the employee with a written decision. (If the investigation requires additional time, the Associate Chief Diversity Officer will inform the employee promptly and explain the extenuating circumstances. In such a case the ADA Coordinator may elect to put temporary remedies in place, such as provisional accommodations.)
4. Within five (5) business days of receipt of the decision from the Associate Chief Diversity Officer, the employee may appeal to the Director of Human Resources (for staff) or the Vice President for Academic Affairs and Dean of the College (for faculty). The decision of the Director of Human Resources or the Vice President for Academic Affairs and Dean of the College shall be the final decision of the College.

### *Other Remedies*

Use of Grinnell College's internal complaint procedures is not a prerequisite to the pursuit of other remedies. At any time, an individual may pursue other remedies available to him/her/hir under applicable state or federal law. The [U.S. Office for Civil Rights](#) and/or [The Iowa Civil Rights Commission](#) will take complaints and will investigate when appropriate; the [U.S. Equal Employment Opportunity Commission](#) works specifically with employment-related concerns.