

Accommodation of Individuals with Disabilities

Policy Statement

The School is committed to complying with the Americans with Disabilities Act (the ADA), New York State Human Rights Law (NYSHRL), and local law prohibiting discrimination against qualified individuals with disabilities. Consistent with this policy of non-discrimination, the School will provide reasonable accommodations to an otherwise qualified employee or prospective employee with a disability, as defined by the ADA and other applicable law, who has made the School aware of his or her disability, provided that such accommodation will not constitute an undue hardship on the School and will make it possible for the individual to perform the essential functions of the position. With regard to employment, the term is limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the employee or prospective employee from performing in a reasonable manner the activities involved in the job or occupation sought or held. With respect to participation in academic and artistic activities as a student, the School is committed to providing access to an otherwise qualified student or prospective student with a disability who has made the School aware of his or her disability, provided that such accommodation will not unduly burden the School or fundamentally alter the School's academic or artistic standards, or the nature of the good, service, facility, privilege, or advantage the School offers.

The School encourages individuals with disabilities to come forward and request reasonable accommodation. Qualified employees or prospective employees with disabilities may make requests for reasonable accommodation to the vice president for of administration and human relations. Qualified students or prospective students with disabilities should address their requests for reasonable accommodation to the dean of students.

Definition of Disability

An individual with a disability is defined by the Civil Rights Division of the U.S. Department of Justice within the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities; a person who has a history or record of such impairment; or a person who is perceived by others as having such impairment.

The NYSHRL defines disability as physical, mental, or medical impairment resulting from an anatomical, physiological, genetic, or neurological condition that prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or a record of such an impairment or condition regarded by others as such an impairment.

Procedure for Requesting an Accommodation

1. Request for Accommodation: An employee or prospective employee who wishes to seek an accommodation based on a disability is responsible for requesting an accommodation by completing an *Employee Request for Accommodation Form* and submitting it to the vice president for administration and human relations. A student

or prospective student who wishes to seek an accommodation based on a disability is responsible for requesting an accommodation by contacting the dean of students and completing a *Student Request for Accommodation Form*.

2. Discussion: On receipt of an accommodation request from an employee, a prospective employee, a student, or a prospective student, the vice president for administration and human relations or the dean of students will meet with the individual to discuss and identify the precise limitations resulting from the claimed disability and the potential accommodation that the School might make to help overcome those limitations. The procedures described in this policy may also be found in the *Staff Handbook* and *Student Handbook*.
3. Verification and Documentation: It is the responsibility of the employee, prospective employee, student, or prospective student to provide the requested medical, psychological, and/or educational documentation regarding the request for accommodation to the vice president for administration and human relations or the dean of students. The documentation requested for purposes of verification and analysis may vary depending on the nature and extent of the disability and the accommodation requested. The School encourages submission of documentation well before the start of the first semester to allow sufficient time for review and follow-up where required.
4. Professional Consultation: In some cases, the School may need to discuss (with the individual's consent) the nature of the applicant's disability and accommodation with the physician or attending professional to address the request for accommodation. If necessary, the office can also request an independent medical evaluation. After receiving all documentation, the School will determine whether a disability has been established, and, if it has, evaluate the requested accommodation using legal guidelines and School policy. From time to time, the School may request updated documentation.
5. Analysis of Content of Work, Educational, and/or Performance Responsibilities: As part of the accommodation process, the School will consider the essential functions or core work, educational, and/or performance related tasks of the individual's position; the work, educational, and/or performance related tasks of former and current employees or students in that same position; the associated personnel or student file(s); and any other potential issues. For employees and prospective employees, this analysis may utilize input from the division head, unit supervisor, and human relations department. For students or prospective students, this analysis may utilize input from the admission department, the student's teacher(s) and the department of student affairs.
6. Analysis of Request for Accommodation: The School will determine the feasibility of the requested accommodation considering various factors, including, but not limited to, the nature and cost of the accommodation; the duration of the request; alternative accommodations; the availability of outside funding that may offset some or all costs; the School's overall financial resources and organization; the impact of the accommodation on the ability of other employees and students to perform their duties; the School's ability to conduct business and other legally permitted factors. The School may also consider the nature and substantiation of the claimed disability

and the likelihood, in the case of an employee or prospective employee, that the requested accommodation will enable the individual to perform the essential functions of the position. In the case of an otherwise qualified student or prospective student, the School may consider whether the steps required would unduly burden the School; fundamentally alter the student's academic program or fundamentally change academic or artistic standards; or otherwise fundamentally alter the nature of the good, service, facility, privilege, or advantage the School offers.

7. Notification and Implementation of an Accommodation: The School will inform the individual requesting an accommodation of its decision in writing within a reasonable period after receiving the completed form and related documentation. If the School grants the accommodation request, the School will indicate the nature of the accommodation and its expected implementation date.
8. Appeals Procedure: If the School denies the accommodation request, the individual making the request will be advised of his or her right to appeal to the School's President by submitting a written statement explaining the accommodation requested and the reasons for the request. If the School's president denies the request on appeal, that decision is final.

The ADA does not require the School to make the best possible accommodation, to reallocate essential job functions, to fundamentally alter its offerings or requirements, or to provide personal use items (such as eyeglasses, hearing aids, or wheelchairs).

An employee, prospective employee, student, or prospective student who has questions regarding this policy or believes that he or she has been discriminated against based on a disability should notify the vice president for administration and human relations or the dean of students. All such inquiries or complaints will be treated as confidential to the extent consistent with adequate investigation and appropriate corrective action.

Confidentiality and Records

All School officials have a responsibility to maintain the confidentiality of medical information regarding an employee, prospective employee, student, or prospective student's disability. To that end, materials related to an applicant's disability, including the *Request for Accommodation* and any medical information, will be placed in a separate employee or student medical file. This file will be held in a separate and secure location.