

Policies of the University of North Texas Health Science Center	Chapter 05 Human Resources
05.203 Employment of Persons With Disabilities	

Policy Statement.

The University of North Texas Health Science Center is committed to the full and total inclusion of all individuals and to the principle of individual empowerment. To this end, policies and procedures must ensure that any person with a disability will not, on the basis of that disability, be denied full and equal access or otherwise be subjected to discrimination under programs or activities offered by the center.

The health science center is also committed to the principle of Equal Employment Opportunity in the employment of individuals with disabilities.

Programs include but are not limited to: Any aid, benefit or services afforded to employees; equal opportunity to participate as a member of governing, policy, planning, or advisory boards; any right, privilege, advantage, or opportunity enjoyed by others.

Application of Policy.

Faculty and Staff

Definitions.

1. "Disability" means, with respect to an individual, a mental or physical impairment that substantially limits at least one major life activity of that individual, a record of such an impairment, or being regarded as having such an impairment. The term does not include (a) a current condition of addiction to the use of alcohol, a drug, an illegal substance, or a federally controlled substance, or; (b) a currently communicable disease or infection as defined in Section 81.003 (Texas) Health and Safety Code, or required to be reported under Section 81.041, (Texas) Health and Safety Code, that constitutes a direct threat to the health or safety of other persons or that makes the affected person unable to perform the duties of the person's employment.
2. "Qualified individual with a disability" means a person with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.
3. "Undue hardship" means, with respect to a proposed accommodation for a disability, an action that requires significant difficulty or expense in relation to the size of the employer, the resources available, and the nature of the operation, and must be determined on a case-by-case basis. In each case involving a request for accommodation, the determination of whether undue hardship exists shall be based on

the impact on operations and business, the cost factors involved, and the effects on safety of the requestor or other individuals.

Procedures and Responsibilities.

Procedure / Duty

Responsible Party

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| <p>1. Administration of Requests for Workplace Accommodations:</p> <ul style="list-style-type: none">a.) Applicants for employment and current employees may request accommodation related to employment by contacting the EEO Office for information and guidance.b.) The EEO Office will provide instructions for the requestor, instructions for the receiving department head or manager, and a format for response to the appropriate Medical Practitioner. This format will request documentation of the diagnosis/prognosis of disability, the major life activity or activities substantially limited, and the effect that the impairment has on the applicant or employee's ability to perform essential job functions.c.) Department heads are responsible to coordinate the processing of any request for accommodation including the evaluation of and response to the request, and if applicable, the implementation of the accommodation. Such actions shall be made in consultation, as needed with the Human Resources Department, EEO Office, and the Office of the Vice Chancellor and General Counsel, and with other subject-matter experts. In particular, no request for accommodation shall be denied without consultation with these offices.d.) All information relating to an accommodation request, including medical documentation, shall be treated as confidential medical records with access limited to supervisors/managers who need to be informed regarding necessary work restrictions and accommodations, first aid personnel (when appropriate), and review by government officials investigating compliance with ADA, FLMA or other pertinent law. | <p>Human Resources Staff, EEO Office, Office of Vice Chancellor and General Counsel</p> |
| <p>2. Rights and Responsibilities of the Health Science Center: In accordance with Section 503 and 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, UNT Health Science Center will make reasonable accommodations in its policies and practices to ensure equal opportunity and access for qualified students, employees, and members of the public to applicable programs, services, activities and facilities. UNT Health</p> | <p>Human Resources Staff, EEO Office, Office of Vice Chancellor and General Counsel</p> |

Science Center recognizes that its basic responsibility is to identify and maintain the technical standards that are fundamental to providing quality programs while ensuring the rights of individuals with disabilities. To meet this obligation, the health science center:

- a.) Has the right to identify and establish the critical abilities, skills, knowledge, and essential functions or requirements necessary for successful employment and to evaluate applicants and employees on this basis;
- b.) Has the responsibility to ensure that information and activities are available in accessible formats and facilities;
- c.) Has the responsibility to evaluate applicants based solely on their abilities. If an evaluation method or criterion unfairly discriminates against an applicant with a disability, the center will seek reasonable alternatives;
- d.) Has the responsibility to select and administer tests used to evaluate employees so as to best ensure that test results accurately reflect aptitudes or competencies and do not discriminate against an individual with a disability. Tests designed to measure specific skills related to fundamental standards/essential job functions are allowed even when those skills are impacted by the disability;
- e.) Has the responsibility to ensure that all of its programs, viewed in their entirety, including but not limited to employee privileges and benefits, are accessible and usable.
- f.) Has the right to request documentation from a person requesting a modification and receive documentation from an appropriate professional with regard to requests of modifications. The health science center has a right to deny a request if the documentation demonstrates that no modification is necessary, or if the individual fails to provide such documentation;
- g.) Has the right to request a second opinion from an appropriate professional regarding documentation or a modification;
- h.) Has the right to select among equally effective modifications for individuals with a disability;
- i.) Has the right to refuse an unreasonable modification or one that imposes an undue hardship on the health science center;
- j.) Has the responsibility to inform our employment applicants and employees, about the availability of auxiliary aids and

the range of possible modifications as well as the procedures for requesting them. If a request for a modification is denied, the health science center has the responsibility to inform the individual of his/her right to appeal the decision and the procedures for initiating an appeal.

3. **Rights and Responsibilities of Individuals with Disabilities:** An individual with a disability has a right to an equal opportunity to participate in and benefit from programs offered at the health science center. To ensure this right, employee with disabilities at the center:
 - a.) Have the right to an equal opportunity to work.
 - b.) They have the right to reasonable modifications in aspects of their employment that limit access, participation, or ability to benefit;
 - c.) Have the right to an equal opportunity to participate in and benefit from employment. This includes access to services, benefits, activities, etc., when viewed in their entirety, that are comparable to those provided to any employee;
 - d.) Have the responsibility to advocate for his/her own individual needs and to seek information, counsel, and assistance as necessary to be effective self-advocates;
 - e.) Have the right to confidentiality of all information and have the right to choose to whom information about his/her disability will be disclosed;
 - f.) Have the responsibility to demonstrate or document how his/her disabilities limit his/her ability to benefit from a particular employment activity or evaluation criteria when he/she makes a request for a modification. If the disability is not obvious, the individual must provide documentation from an appropriate professional;
 - g.) Have the right to information regarding the availability of auxiliary aids and possible modifications as well as procedures for making requests for either;
 - h.) Have the responsibility to follow published procedures for making such requests and to do so in a timely fashion;
 - i.) Have the right to be informed of procedures for initiating an appeal of a decision by the institution regarding auxiliary aids or modifications;
 - j.) Have the responsibility to follow published procedures for filing an appeal;
 - k.) Have the right to be informed of procedures for initiating

further appeal of an institutional decision through external channels. This typically would be done through filing a complaint with the Office of Civil Rights or filing a case through the civil court system.

4. Procedure for Requesting Modifications or Auxiliary Aids

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Staff, EEO Office,
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Chancellor and
General Counsel

- a.) Hiring decisions are made on the basis of published criteria for the particular job and without regard to disabilities. Prospective employees are expected to present credentials on their applications that meet the criteria specified in the job announcement.
- b.) All employment applications to the center are reviewed according to the same procedures for hiring, regardless of disabilities.
- c.) A prospective employee who needs a modification in the hiring process should document such need when the application is requested or submitted.
- d.) For those individuals who choose to identify their disabilities in the hiring process, the center's EEO Office and a Human Resource Services representative will review alternative measures for hiring criteria under the following conditions:
 - i. If the applicant believes that a particular criterion on the job announcement has a disproportionately adverse effect based on his or her diagnosed and documented disability, then he or she may submit a request for a substitution of that criterion.
 - ii. If comparable alternative measures of the same skills, aptitude, or areas of achievement as the job criteria are available, they may be accepted as valid substitutes.
 - iii. Modifications provided in the hiring process do not guarantee that the person will be hired.
 - iv. Any applicant with a disability who needs information about the health science center hiring process, an employment application, or any other employment information in an alternative format should contact the EEO Office.

5. Auxiliary Aids of Long-Term or Permanent Nature

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- a.) The health science center seeks to ensure that an individual with a disability who can meet the technical standards for employment is not excluded from full participation in the programs the center operates because

of the absence of necessary auxiliary aids or reasonable modifications.

- b.) The health science center believes that its responsibilities can best be met by assisting employees with disabilities in obtaining auxiliary aids of a long-term or permanent nature from governmental units (such as vocational rehabilitation agencies) or from private charitable organizations (March of Dimes, etc.). Employees with disabilities are expected to take the initiative in identifying and obtaining auxiliary aids and assistance through every reasonable channel available to them. The primary role of the health science center in this effort should be informative/supportive of active self-advocacy on the part of the employee. The EEO Office will serve as a resource in this process.
- c.) If outside agencies cannot provide the auxiliary aids that the student or employee needs, the health science center has a responsibility (1) to determine the necessity of that aid and (2) to ensure that the employee would not be denied the right to participate in a program, benefit, or service because of the absence of an auxiliary aid that would make participation possible. The following will facilitate this process:
 - i. Employees who believe they will need an auxiliary aid to participate fully in activities at the center should make those needs known as early as possible, preferably as soon as they have been hired. Ordinarily, to expedite the process, requests should be accompanied by a written evaluation of the employee's disability. These requests may be made to the EEO Office.
 - ii. The employee with a disability is encouraged to explore any and all avenues for assistance outside the health science center. Anyone who is unsure how to contact other agencies should discuss this with the EEO Office.
 - iii. If necessary auxiliary aids are available through outside resources, an employee must request assistance through the EEO Office. When a request is made, the EEO Office will evaluate the request on the basis of the following criteria:
 - (1) The disability is documented (usually through an evaluation by a qualified professional);
 - (2) The requested auxiliary aid is appropriate to the

needs of a person with that type of disability;

(3) The person will not be able to participate fully as an employee without the aid.

d.) Unless provided by an outside agency, it is the responsibility of the health science center to provide the auxiliary aid or find a reasonable alternative that will allow an employee full participation unless the request is determined to be unreasonable or will impose an undue hardship on the center.

e.) Every attempt will be made to ensure availability of necessary auxiliary aids at the time the employee begins work. A minimum of four weeks notice should be given to ensure this. In any event, the health science center must have sufficient time to evaluate the request, determine the aid to be provided, and identify sources for obtaining it (purchasing, leasing, hiring, etc.). Late requests cannot be guaranteed but will be evaluated on a case-by-case basis.

i. Requests for auxiliary aids and all supporting documentation are confidential information and will not be released without the individual's written consent.

ii. It is the employee's responsibility to keep 2 the EEO Office informed about the need for auxiliary aids or any other specific need. If the student or employee does not keep the EEO Office informed, the EEO Office cannot be expected to provide the auxiliary aid. To ensure accountability, requests should be made in writing and the employee should keep a copy for his or her records.

6. **Appeal Procedure:** As a first step, the center strongly encourages informal means of dispute resolution in consultation with the EEO Office, a Human Resource representative, the department head and the appellant. Individuals who believe to be discriminated against may also file a written complaint with any state or federal agency who has jurisdiction over the health science center. If an applicant or employee does not reach a satisfactory determination through an informal means with regard to an accommodation, the following appeal process is provided:

a.) Within sixty (60) days of the appellant's receipt of the EEO Office's decision, written objection should be filed with the appropriate Vice President. The Vice President will respond to the appellant within five (5) working days with

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- a decision regarding the appeal.
- b.) The appellant may appeal the decision of the Vice President to the President within five (5) working days of receipt of the Vice President's decision. The appeal to the President should specify which findings were based on incorrect information, specify relevant facts that were not included in the determination by the EEO Office and Vice President. The President will respond with a decision in ten (10) working days. The President's decision is final.
 - c.) Extensions of time limits in the appeal procedure may be authorized, due to extenuating circumstances, upon written request to the EEO Office.
 - d.) Failure of an applicant or employee to process an appeal to the next step within the prescribed time limit constitutes abandonment of the appeal.
 - e.) Failure of management to give an answer within the prescribed time limits authorizes the applicant or employee to process the appeal to the next step.
 - f.) Time limits include workdays only and do not include Saturday, Sunday, or Holidays.

References and Cross-references.

The Rehabilitation Act of 1973, Sections 503-504.

The Americans with Disabilities Act of 1990

Chapter 21, Texas Labor Code, Section 21.002(6) and Section 128 [a]

Forms and Tools. None

Approved: 09/01/2006

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Revised: